

SOUTHERN CALIFORNIA



**ASSOCIATION OF  
GOVERNMENTS**

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Buenaventura • Toni Young, Port Hueneme

**Orange County Transportation Authority:** Lou  
Correa, County of Orange

**Riverside County Transportation Commission:**  
Robin Lowe, Hemet

**Ventura County Transportation Commission:**  
Keith Millhouse, Moorpark

## No. 470 MEETING OF THE

# REGIONAL COUNCIL

Thursday, January 5, 2006  
12:00 Noon – 1:30 p.m.

### SCAG Offices

818 W. 7th Street, 12th Floor  
San Bernardino Conference Room A & B  
Los Angeles, California 90017  
213.236.1800

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[www.scag.ca.gov/committees/rc.htm](http://www.scag.ca.gov/committees/rc.htm)

If members of the public wish to review the attachments  
or have any questions on any of the agenda items,  
please contact Shelia Stewart at 213.236.1868 or  
[stewart@scag.ca.gov](mailto:stewart@scag.ca.gov).

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# REGIONAL COUNCIL

## AGENDA

PAGE #

TIME

*“Any item listed on the agenda (action or information) may be acted upon at the discretion of the committee”*

Meeting Focus: “CEQA Streamlining”

- |       |   |                              |    |
|-------|---|------------------------------|----|
| 1.0   | <b><u>CALL TO ORDER &amp; PLEDGE OF ALLEGIANCE</u></b>  | Hon. Toni Young<br>President |    |
| 2.0   | <b><u>INSPIRATIONAL MESSAGE</u></b>   |                              |    |
| 3.0   | <b><u>PUBLIC COMMENT PERIOD</u></b> – Members of the public desiring to speak on items on the agenda, or items not on the agenda, but within the purview of the Council, must fill out and present a speaker’s card to the Executive Assistant prior to speaking. A speaker’s card must be turned in before the meeting is called to order. Comments will be limited to three minutes. The President may limit the total time for all comments to twenty minutes. |                              |    |
| 4.0   | <b><u>CONSENT CALENDAR</u></b>  |                              |    |
| 4.1   | <b><u>Approval Items</u></b>  |                              |    |
| 4.1.1 | <u>Minutes of December 5, 2005 Attachment</u>   |                              | 01 |
| 4.1.2 | <u>Contracts over \$250,000 Attachment</u>  |                              | 10 |
| 4.1.3 | <u>Additional Sponsorship for Faster Freight Cleaner Air Conference Attachment</u>  |                              | 12 |
| 4.1.4 | <u>Co-Sponsorship the California Congressional Delegation Transportation Reception Attachment (Administration)</u>  |                              | 14 |
| 4.1.5 | <u>Resolution #06-470-1 Authorizing SCAG to Apply for and accept Caltrans State Planning &amp; Research Funds for an I-405 ITS Study Attachment (Administration)</u>  |                              | 15 |

- (The parenthetical denotes items that have been considered by the listed committee)



# REGIONAL COUNCIL

## AGENDA

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	PAGE #	TIME
<u>Approval Items – cont/d</u>		
4.1.6 <u>Resolution #06-470-2 Accepting FTA 5313b and State Planning and Research Partnership Planning Grant Funds Attachment</u>	19	
4.1.7 <u>KPMG Audit Attachment mailed separately (Administration)</u>		
4.1 <u>Receive &amp; File</u>		
4.2.1 <u>Purchase Orders/ Contracts between \$5,000 - \$250,000 Attachment</u>	23	
4.2.2 <u>Monthly CFO Report Attachment (Administration)</u>	24	
5.0 <u>PRESIDENT'S REPORT</u>		
5.1 <u>Appointments</u>		
6.0 <u>EXECUTIVE DIRECTOR'S REPORT</u>		
7.0 <u>ACTION ITEMS</u>		
7.1 <u>Administration Committee Report</u>		Hon. Sid Tyler Chair
7.2 <u>Transportation &amp; Communications Committee (TCC) Report</u>		Hon. Harry Baldwin, Chair
7.2.1 <u>Proposed 2008 RTP Schedule Attachment</u>	33	
Recommended Action: Approve		



# REGIONAL COUNCIL

## AGENDA

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		PAGE #	TIME
	<b><u>TCC Report – Cont'd</u></b>		
7.2.2	<u>Regional Comment on Federal Trade Agreement with Thailand Attachment</u>	36	
	<b>Recommended Action:</b> Approve comment for submittal to the office of U.S. Trade Representative.		
7.3	<b><u>Energy &amp; Environment Committee (EEC) Report</u></b>		<b>Hon. Dennis Washburn, Chair</b>
7.3.1	<u>S1607 Solid Waste on Railroad Properties Attachment</u>	39	
	<b>Recommended Action:</b> Support		
7.3.2	<u>“Underground Rulemaking” Program Attachment</u>	53	
	<b>Recommended Action:</b> Support		
7.3.3	<u>Ahwahnee Water Principles for Resource Efficient Land Use Attachment</u>	64	
	<b>Recommended Action:</b> Adopt Resolution #05-469-2 supporting the Ahwahnee Water Principles.		
7.4	<b><u>Community, Economic &amp; Human Development Committee Report</u></b>		<b>Hon. Deborah Robertson, Chair</b>
7.5	<b><u>Communications &amp; Membership Subcommittee</u></b>		<b>Hon. Glen Becerra, Chair</b>



# REGIONAL COUNCIL

## AGENDA

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### 8.0 INFORMATION ITEMS

- 8.1 State legislative bill draft relating to S.B.90 (1972) protection for JPAs  
**Attachment**

68

### 9.0 LEGAL COUNSEL REPORT

*A closed session will be held only if necessary to report significant developments or to take required actions.*

#### 9.1 Closed Session

- Writ of Mandate re: Board of Control Decision on, Statutes 1980 Ch. 1143 Claim No. 3929 Before the Commission on State Mandates (RHNA Determination Cost Reimbursement- Council of Governments). Code Section Conference with Legal Counsel pursuant to Government 54956.9 Pending Litigation (one potential case).
- Conference with Legal Counsel – potential litigation Audit issues: San Gabriel Valley Council of Governments and Orange County Council of Governments. Significant Exposure to litigation pursuant to Section 54956.9(b) Two (2) potential cases.
- Havens v. SCAG  
Havens v. Southern California Association of Governments, Los Angeles County, Case No. BC 324931  
Conference with Legal Counsel re: pending litigation Pursuant to Government Code section §54956.9(a)

### 10.0 FUTURE AGENDA ITEMS

Any committee member desiring to place items on a future agenda may make such request. Comments should be limited to three minutes.

# REGIONAL COUNCIL

## AGENDA

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*PAGE #*

*TIME*

### 11.0 ANNOUNCEMENTS

The E Region (NARC) Newsletter was emailed to all members. The Los Angeles Division of the League of California Cities will hold its monthly meeting tonight. Contact Councilmember Washburn for more info.

### 12.0 ADJOURNMENT

The next meeting will be held at SCAG offices Thursday, February 2, 2006.  
A joint budget workshop will also be held on the same day to discuss the budget.



SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS

December 1, 2005

Minutes

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTIONS TAKEN BY THE REGIONAL COUNCIL. AUDIO CASSETTE TAPE OF THE ACTUAL MEETING IS AVAILABLE FOR LISTENING IN SCAG'S OFFICE.

The Regional Council of the Southern California Association of Governments held its meeting at SCAG offices downtown Los Angeles. The meeting was called to order by the President Toni Young, Councilmember, City of Port Hueneme. There was a quorum.

**Members Present**

Councilmember Toni Young, Port Hueneme, President	District 45
Mayor Pro Tem Ron Roberts, Temecula, Immediate Past President	District 5
Supervisor Yvonne Burke, 1 <sup>st</sup> Vice President, Los Angeles County	
Supervisor Gary Ovitt, 2 <sup>nd</sup> Vice President, San Bernardino County	
Supervisor Chris Norby, Orange County	
Councilmember Greg Pettis, Cathedral City	District 2
Councilmember Bonnie Flickinger, Moreno Valley	District 3
Mayor Ron Loveridge, Riverside	District 4
Councilmember Lee Ann Garcia, Grand Terrace	District 6
Mayor Larry McCallon, Highland	District 7
Councilmember Alan Wapner, Ontario	District 10
Mayor Lawrence Dale, Barstow	District 11
Councilmember Cathryn De Young, Laguna Niguel	District 12
Councilmember Richard Dixon, Lake Forest	District 13
Councilmember Tod Ridgeway, Newport Beach	District 14
Councilmember Lou Bone, Tustin	District 17
Councilmember Christine Barnes, La Palma	District 18
Councilmember Marilyn Poe, Los Alamitos	District 20
Councilmember Art Brown, Buena Park	District 21
Mayor John Bauman, Brea	District 22
Councilmember Paul Bowlen, Cerritos	District 23
Councilmember Gene Daniels, Paramount	District 24
Councilmember David Gafin, Downey	District 25
Councilmember Frank Gurule, Cudahy	District 27
Councilmember Judy Dunlap, Inglewood	District 28
Councilmember Stan Carroll, La Habra Heights	District 31
Councilmember Margaret Clark, Rosemead	District 32
Councilmember Keith Hanks, Azusa	District 33
Councilmember Paul Talbot, Alhambra	District 34
Councilmember Sid Tyler, Pasadena	District 36
Councilmember Harry Baldwin, San Gabriel	District 35

Councilmember Tom Sykes, Walnut	District 37
Councilmember Paula Lantz, Pomona	District 38
Councilmember Paul Nowatka, Torrance	District 39
Councilmember Jim Aldinger, Manhattan Beach	District 40
Councilmember Pam O'Connor, Santa Monica	District 41
Councilmember Todd Campbell, Burbank	District 42
Councilmember Dennis Washburn, Calabasas	District 44
Councilmember Carl Morehouse, San Buenaventura	District 47
Councilmember Dennis Zine, Los Angeles	District 50
Councilmember Bernard Parks, Los Angeles	District 55
Councilmember Greig Smith, Los Angeles	District 59
Councilmember Thomas Buckley, Lake Elsinore	District 63
Councilmember Debbie Cook, Huntington Beach	District 64
Councilmember Tim Jasper, Apple Valley	District 65
Supervisor Lou Correa, Orange County	OCTA

### **Members Not Present**

Supervisor Zev Yaroslavsky, LA County	
Supervisor Judy Mikels, Ventura County	
Supervisor Jeff Stone, Riverside County	
Supervisor Victor Carrillo, Imperial Valley	
Councilmember Jon Edney, El Centro	District 1
Councilmember Deborah Robertson, Rialto	District 8
Councilmember Paul Eaton, Montclair	District 9
Councilmember Richard Chavez, Anaheim	District 19
Councilmember Isadore Hall, Compton	District 26
Councilmember Rae Gabelich, Long Beach	District 29
Councilmember Tonia Reyes-Uranga, Long Beach	District 30
Councilmember Mike Dispenza, Palmdale	District 43
Councilmember Glen Becerra, Simi Valley	District 46
Councilmember Ed Reyes, Los Angeles	District 48
Councilmember Wendy Greuel, Los Angeles	District 49
Councilmember Tom LaBonge, Los Angeles	District 51
Councilmember Jack Weiss, Los Angeles	District 52
Councilmember Tony Cardenas, Los Angeles	District 53
Councilmember Alex Padilla, Los Angeles	District 54
Councilmember Jan Perry, Los Angeles	District 56
Councilmember Bill Rosendahl, Los Angeles	District 58
Councilmember Eric Garcetti, Los Angeles	District 60
Councilmember Janice Hahn, Los Angeles	District 62
Mayor Antonio Villariagosa, Los Angeles	At-Large
Councilmember Keith Millhouse, Moorpark	VCTC
Councilmember Robin Lowe, Hemet	RCTC



## **Staff Present**

Mark Pisano, Executive Director  
Jim Gosnell, Deputy Executive Director  
Heather Copp, Chief Financial Officer  
Karen Tachiki, Chief Counsel  
Hasan Ikhrata, Director, Planning & Policy  
Keith Killough, Director, Information Services  
Shelia Stewart, Executive Assistant

### **1.0 CALL TO ORDER & PLEDGE OF ALLEGIANCE**

Led by Councilmember Young, President

### **2.0 INSPIRATIONAL MESSAGE**

President Young stated that this is time of year when many celebrations are taking place. She emphasized to everyone the importance of making the celebrations the best they could be as well as making them meaningful to oneself as well as their families.

### **3.0 PUBLIC COMMENT PERIOD**

There were no comments presented at this time.

### **4.0 CONSENT CALENDAR**

Item 4.1.5 was pulled for discussion. The remaining consent calendar items were MOVED (Brown), SECONDED (O'Connor) and UNANIMOUSLY APPROVED

#### **4.1 Approval Items**

4.1.1 Minutes of November 3, 2005

4.1.2 Authorization to Contribute Funds to conclude HDR Issue

4.1.3 Payment of Expenditures not Payable from Direct Projects or Indirect Funds

4.1.4 Contracts over \$250,000

4.1.6 Amendment of the Fulbright & Jaworski Contract

#### **4.2 Receive & File**

4.2.1 Purchase Orders/ Contracts between \$5,000 - \$250,000

4.2.2 Monthly Financial Report

4.2.3 Merit Pay Program Status Report

4.2.4 Deferred Compensation Status Report

4.2.5 2001 Classification Study Final Report Staff Turnover Statistics

**Item Pulled**

4.1.5 Adopt Resolution to apply for FEMA Grant for a Multi-Jurisdictional, Multi-Hazard Disaster Mitigation Plan

Councilmember Tyler stated that the item was pulled at the Administration Committee because the state has a limitation of five submittals in the areas of planning and implementation. Therefore there was a consensus of the Administration Committee to not compete with member agencies.

There were no objections to withdrawing the item.

**5.0 PRESIDENT'S REPORT**

5.1 Appointments

**Subregional Representatives to Policy Committees**

To CEHD: representing Gateway Cities, Hon. Rick Ramirez, Norwalk  
To EEC: representing San Gabriel Valley COG, Hon. David J. Olivas, Baldwin Park

**Audit Committee**

Hon. Cassie DeYoung, Laguna Niguel  
Hon. Deborah Robertson, Rialto

**Southwest Compact Task Force**

Hon. Victor Carrillo, Imperial County  
Hon. Debbie Cook, Huntington Beach  
Hon. Jon Edney, El Centro  
Hon. Frank Gurule, Cudahy

**Water Policy Task Force**

Hon. Stan Carroll, La Habra Heights  
Hon. Rick Ramirez, Gateway Cities (Norwalk)

5.2 President's Announcements

President Young stated that the State has put together committees for purposes of reviewing CEQA and housing issues. Mark Pisano has served on these committee since inception. There are now several issues on the table that Mark Pisano would like to discuss at a joint workshop. There will be two workshops scheduled in order to provide Mr. Pisano with input and recommendations from members. The joint workshops will be scheduled in January 2006.

## **6.0 EXECUTIVE DIRECTOR'S REPORT**

Mark Pisano gave a brief overview on the following: 1) Housing Element/RHHA Reform; 2) CEQA Reform; 3) Goods Movement. He noted that the 2006 State & Legislative Program will be presented and the Regional Council will be asked to review and approve.

## **7.0 ACTION ITEMS**

### **7.1 2006 Legislative Activities**

#### **7.1.1 Federal Lobbyist Report**

John Cline & Tom Crawford, C2 Group, reported on the following:

- Appropriations – work through the Authorizing committee on a clean-up bill for early next year. It may include some policy elements.
- Budget Tax Reconciliation - Congressional leaders are working on a \$35 – \$50 billion budget reconciliation that would cut taxes by \$70 billion. This will put a lot of pressure on members and funding.
- The Labor HHS appropriations took a hit because it was funded as a concurrent resolution with no earmarks. Shows that there are going to be a number of changes in the appropriations process
- Federal Gas tax revenues are lower than anticipated in SAFETEA-LU which could hit the Highway Trust Fund hard. Authorizers are concerned that these levels may not allow full funding to 2008.
- Also worried about further decline due to conservation of gas and may need to reopen legislation on SAFETEA-LU in 2007. C2 has been working to ensure SCAG is represented on SAFETEA-LU commissions. Mark Pisano will be briefing DOT on SCAG's recent studies.

C2 stated that consideration of a trip to D.C. and appropriations requests should be done in mid-to-late February. Mark Pisano stated that consensus group wants to go to D.C. in March. APTA as well as NARC is also scheduled to meet during this time.

#### **7.1.2 2006 State & Federal Legislative Program**

Don Rhodes, Manager, Government Affairs, stated that each year the Regional Council adopts a state and federal legislative program to direct SCAG's legislative activities. The 2006 Legislative Program, which contain highlights from 2005, will guide SCAG's legislative activities in the coming year. The following amendments to the program were made:

**SB 90** – Reimbursement under SB 90 for State mandated expenses.

**Tribal Governments (Page 5):** Based on the adopted tribal governments work plan, and with their *consent and assistance*, offer state legislation, if necessary, to define that federally recognized tribal governments in the SCAG region as government entities for the limited purpose of participating in the SCAG joint powers authority.

**CEQA Reform 1<sup>st</sup> bullet (page 9):** Support CEQA reform that addresses environmental impacts at the regional, “*as well as*” ~~rather than~~ project, scale and promotes environmental outcomes that are preferable to current conditions or “no-plan” future scenarios.

**Housing 3<sup>rd</sup> bullet (Page 8):** Support initiatives that call for local governments and regions to plan for the provision of a 20-year site inventory, based on natural increases in population and job growth, and that allow *voluntary* neighboring jurisdictions to share responsibilities for increasing the housing supply.

**Goods Movement – Combine 2<sup>nd</sup> & 3<sup>rd</sup> bullet (page 7):** Support efforts of the West Coast Corridor Coalition to improve goods movement and reduce congestion along the I-5 from Vancouver, B.C. to Ensenada, Mexico *in conjunction with* ~~urge~~ the state and federal government to take action to limit the mobile source emissions arising from goods movement.

**Aviation 1<sup>st</sup> bullet (Page 6) -** Support legislation to promote and implement a decentralized aviation system, including interconnecting high-speed ground transportation “*and greater noise and environmental-impact protection to communities*”.

Urge the federal Environmental Protection Agency and the California Air Resources Board to exercise their responsibilities for regulating and enforcing aviation environmental mitigation.

It was MOVED (McCallon), SECONDED (Tyler) and UNANIMOUSLY APPROVED.

## 7.2 **Executive Committee Report**

### 7.2.1 **Proposed Bylaws Amendments**

President Young stated that the Bylaws Committee met on September 21, 2005 to consider various changes to the Bylaws. A summary of the recommended changes is as follows:

- With regard to the Administration Committee, the President would be given the discretion to appoint additional Regional Council members to the Committee in the event that a subregional organization is not otherwise represented on the Committee.

- With regard to each Policy Committee, the President to the extent practicable is to appoint an equal number of members taking into consideration factors such as regional representation, geographical balance, and diversity of views.
- With regard to the quorum of the Executive Committee, in the event that there is a vacancy in the membership of the Committee, the quorum would be reduced from 5 to 4 members.
- With regard to the selection of the Officers of the Regional Council, every fourth year a County representative would be selected for the office of second Vice-President. This would eliminate the currently specified three year rotation for the office of President. Since the rotation would occur at the second Vice-President position, there would be no need to have the “catch up” provisions regarding the office of the President

Mayor Pro Tem Roberts and Councilmember Dixon expressed concerns regarding the four-year process and the possibility of not having a county representative on the Executive Committee. Karen Tachiki, Chief Counsel, presented the following as an option: 1) Change the membership to ensure that if a County representative is not an Officer or Chair of the Administration Committee or Policy Committee the President could appoint a County representative to serve on the Executive Committee.

It was MOVED (Dixon), SECONDED (Ovitt) and UNANIMOUSLY APPROVED to incorporate the recommended changes to Bylaws including the suggestions of the Chief Counsel and to forward to the General Assembly for consideration.

### 7.3 **Administration Committee Report**

No action items to report.

### 7.4 **Transportation & Communications Committee Report**

No action items to report.

### 7.5 **Energy & Environment Committee Report**

#### 7.5.1 **Energy Working Group**

It was MOVED (Washburn), SECONDED (O'Connor) and UNANIMOUSLY APPROVED to form a Energy Working Group to assist staff in the development of the Energy Chapter of the RCP.

## **7.6 Community, Economic & Human Development Committee Report**

### **7.6.1 RHNA and “House Your Own” Planning**

SCAG’s focus will be to develop a policy rather than a statistically based RHNA that emphasizes the use of improved growth data locally to help subregions and communities “house their own”, and identify priority investment zones where incentives may be targeted to encourage additional housing development, i.e. Compass 2% Strategy areas identified locally. SCAG executive staff has been in discussion with the Secretary of Business, Transportation and Housing on this issue over the last several months.

The CEHD recommended that the Regional Council approve pursuing an alternative approach to RHNA which allows greater consistency between the forecast the region prepares for the RTP and the housing need input from local government.

It was MOVED (Bowlen), SECONDED (Jasper) and UNANIMOUSLY APPROVED.

## **7.7 Communications & Membership Subcommittee**

Councilmember Baldwin stated that the subcommittee discussed the following: 1) The formation of a potential Business Advisory Group; 2) Seeking new Regional Council members as candidates for a proposed Leadership Academy; and 3) A five-point plan was drafted and presented regarding an effort to recruit new member cities this year.

## **8.0 INFORMATION ITEMS**

### **8.1 Presentation by State Office of Emergency Services (OES)**

Steve Sellers, Regional Administration, OES, made a slide presentation. SAFETEA-LU, the new Federal Transportation Bill, identifies new areas of planning responsibility regarding such things as Transit Security and Emergency response to natural and man-made disasters which SCAG needs to address.

## **9.0 LEGAL COUNSEL REPORT**

### **9.1 Closed Session**

- Writ of Mandate re: Board of Control Decision on, Statutes 1980 Ch. 1143 Claim No. 3929 Before the Commission on State Mandates (RHNA Determination Cost Reimbursement- Council of Governments)

Code Section Conference with Legal Counsel pursuant to Government 54956.9 Pending Litigation (one potential case).

The General Counsel provided a report and was authorized to file a notice of appeal, if necessary

- Conference with Legal Counsel – potential litigation  
Audit issues: San Gabriel Valley Council of Governments and Orange County Council of Governments. Significant Exposure to litigation pursuant to Section 54956.9(b)  
Two (2) potential cases.

A report was given, but no action taken

- Havens v. SCAG  
Havens v. Southern California Association of Governments, Los Angeles County, Case No. BC 324931  
Conference with Legal Counsel re: pending litigation  
Pursuant to Government Code section §54956.9(a)

No closed session was held.

#### **10.0 FUTURE AGENDA ITEMS**

There were no items requested.

#### **11.0 ANNOUNCEMENTS**

There were no announcements. Merry Christmas and Happy New Year!

#### **12.0 ADJOURNMENT**

The next meeting will be held at SCAG offices Thursday, January 5, 2006.

  
Mark Pisano, Executive Director

# REPORT

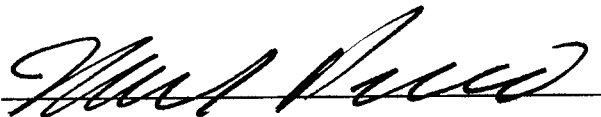
**TO:** Administration Committee  
Regional Council

**FROM:** Lambertus H. Becker, CFO (213) 236-1804  
Email: [becker@scag.ca.gov](mailto:becker@scag.ca.gov)

**SUBJECT:** Approval of Contract Over \$25,000

**DATE:** December 10, 2004

**EXECUTIVE DIRECTOR'S APPROVAL**



**RECOMMENDED ACTION:** Approve Contract

## SUMMARY:

- **The following consultant contracts are recommended for approval:**

Parsons Brinckerhoff	NTE	\$ 48,791
Cambridge Systematics	NTE	\$ 749,925
Network Infrastructure Upgrade Project	NTE	\$ _____*

\* Will be sent under separate cover

## FISCAL IMPACT:

The Work Element is listed on the detail page for each contract. Included is the Work Element and category of funding, for example FHWA, FTA, indirect.

**If a member believes or has a reason to believe that he or she has a financial interest in any of the firms listed on this Report, the member should consult with SCAG legal counsel.**



## **CONSULTANT CONTRACT AMENDMENT**

**Consultant:** SBC (now at&t)

**Scope:** Upgrade of SCAG's phone system and VideoConferencing capabilities. Addition for equipment, installation, and support services.

**Contract Amount:**

Original contract amount (over 3 years)	\$282,000
Additional funding not to exceed (over 3 years)	\$120,000
<b>Total contract value not to exceed</b>	<b>\$402,000</b>

**Contract Period:** From date of Notice to Proceed through June 30, 2008

**Work Element:**

06-840.SCGC5	\$80,000	Funding Source: IT/Operations – Indirect Overhead
07-XXX.XXXX	\$20,000	Funding Source: IT/Operations – Indirect Overhead – subject to approval of SCAG's FY 06-07 budget.
08-XXX.XXXX	\$20,000	Funding Source: IT/Operations – Indirect Overhead – subject to approval of SCAG's FY 07-08 budget.

**Amendment Justification** The RC previously approved this project; however, the budget initially proposed was not sufficient to cover additional VideoConferencing equipment as well as installation and system monitoring and support. The revised contract would include up to \$60,000 for installation and up to \$20,000 a year, for three years, for monitoring and support.

# REPORT

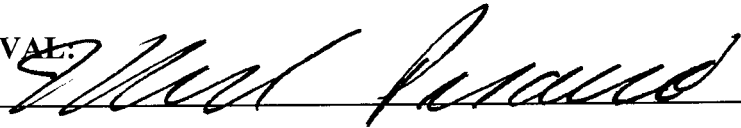
**DATE:** January 5, 2006

**TO:** Administration Committee  
Regional Council

**FROM:** Nancy Pfeffer, Sr. Regional Planner, 213-236-1869, [pfeffer@scag.ca.gov](mailto:pfeffer@scag.ca.gov)

**SUBJECT:** Additional Sponsorship for Faster Freight Cleaner Air Conference

**EXECUTIVE DIRECTOR'S APPROVAL:**



**RECOMMENDED ACTION:**

Approve \$23,000 in additional funds toward sponsorship of this conference, scheduled for Jan. 30-Feb. 1, 2006 at the Long Beach Convention Center.

**SUMMARY:**

In November the Regional Council approved \$5,000 from the General Fund towards a co-host level sponsorship of this conference. Staff was unable to raise the additional sponsorship funds from outside sources and instead proposes to reallocate monies within the General Fund budget to accommodate the expense.

**BACKGROUND:**

The South Coast Air Quality Management District, California Air Resources Board, and United States Environmental Protection Agency, among others, are co-hosting Faster Freight Cleaner Air 2006 in late January at the Long Beach Convention Center. The three-day conference and expo will highlight the innovative programs, policies and technologies now being implemented in Southern California, across the nation, and internationally to improve the efficiency and reduce the air quality impacts of goods movement.

SCAG's participation as a co-host of this conference is desirable for several reasons. It puts us on a level with the other sponsoring air regulatory agencies and makes our integral role in assuring the region's clean air more visible to the community. It also gives us the opportunity to participate in every step of agenda development as a member of the Steering Committee. We will have a speaking slot on the opening day of the conference and several additional slots during the conference. These will serve as opportunities to highlight our recent work in goods movement. We also have 10 registrations for the conference and a large display booth at the expo, through which we can highlight our programs.

This conference is likely to attract hundreds of attendees, as did last year's inaugural Faster Freight Cleaner Air conference in Oakland. Both industry and community representatives are expected to mingle with regulators and other attendees. The conference will serve as an important forum for discussion and appreciation not only of current efforts, but also of emerging issues that will impact freight transportation. For example, one of the confirmed keynote speakers is Paul Roberts, author of the influential recent book "The End of Oil." Several agenda sessions will highlight innovative technologies for reducing environmental impacts as well as for transporting freight, while others will highlight innovative funding approaches. The conference also anchors what has been dubbed "Freight Week." The second half of the week will see the National Urban Freight Conference produced by METRANS, also in Long Beach. Together, these conferences provide high visibility for this issue in Southern California.

# REPORT

In November the Regional Council approved \$5,000 from the General Fund towards the total co-host commitment. It was our intention at that time to raise approximately \$20,000 from outside sources. However, this has not proved to be possible since so many organizations are sponsoring the conference in their own name.


Therefore, we are recommending that the Regional Council approve an additional expenditure of \$23,000 for this conference. This consists of \$20,000 for sponsorship and up to \$3,000 in costs associated with the display booth. All the funds in the account for Regional Council sponsorships have been committed to other purposes. In order to provide these funds, we propose to move this amount from the account for interest payments on our bank Line of Credit, which we do not anticipate using, to the account for Regional Council sponsorships as follows:

## WBS 06-800.SCGS9

GL # 55970	Interest on Bank LOC	\$100,000
	Transfer to GL # 58800	<u>-\$23,000</u>
	Remaining balance in # 55970	\$77,000
GL # 58800	RC Sponsorships	\$76,100
	Transfer from GL # 55970	<u>+\$23,000</u>
	New balance in # 58800	\$99,100

## FISCAL IMPACT:

Approval of this request will result in a budget for this conference of \$28,000 and will reallocate \$23,000 within the General Fund.

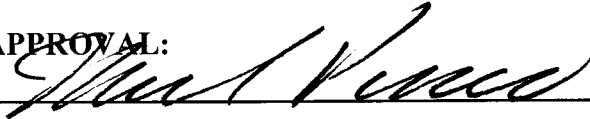


# REPORT

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**DATE:** January 5, 2006  
**TO:** Administrative Committee and Regional Council  
**FROM:** Don Rhodes, Manager, Government Affairs (x840)  
**SUBJECT:** 2006 California Congressional Delegation Transportation Reception

**EXECUTIVE DIRECTOR'S APPROVAL:**



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**RECOMMENDED ACTION:**

It is recommended that the Regional Council authorize SCAG to co-sponsor the 2006 California Congressional Delegation Transportation Reception for an amount of \$6,000.00.

**SUMMARY:**

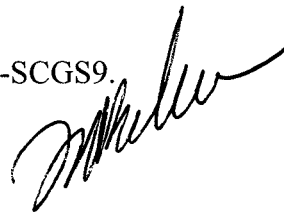
During the APTA Legislative Conference in Washington, D.C., SCAG has been asked to host a reception along with other major transportation planning agencies throughout the State, including MTC, on Tuesday, March 7, 2006 for the California Congressional Delegation and the Authorizing and Appropriating Committees in an effort to show a united front in presenting California's transportation funding needs and priority projects

**BACKGROUND:**

For the past few years, SCAG has co-sponsored the Annual California Congressional Delegation Transportation Reception along with several other major transportation agencies throughout the State. This reception hosts members and staff of the California delegation and is focused on promoting priority projects and other funding needs for transportation in California.

**FISCAL IMPACT:**

Funding is available in SCAG's Fiscal Year 2005-2006 Budget under Work Element 06-800-SCGS9.



# REPORT

**DATE:** January 5, 2006

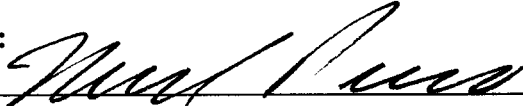
**TO:** Administration and Regional Council

**FROM:** Lambertus H. Becker, Interim Chief Financial Officer  
213-236-1804 [becker@scag.ca.gov](mailto:becker@scag.ca.gov)



**SUBJECT:** Resolution # 06-470-1 authorizing SCAG to accept Caltrans State Planning & Research grant funds.

**EXECUTIVE DIRECTOR'S APPROVAL:**



## RECOMMENDED ACTION:

Adopt Resolution # 06-470-1 authorizing SCAG to accept Caltrans State Planning & Research grant funds and amend the SCAG Overall Work Plan (OWP).

## SUMMARY:

Caltrans intends to award approximately \$300,000 in State Planning & Research (SP&R) funds to SCAG to finance an I-405 corridor improvement study aimed at utilizing operational strategies to improve system performance. Caltrans has requested that SCAG accept this funding and obtain and manage consultant services to perform the study, which will also be used as a "template" or management guide for model corridor management planning to be used throughout the state.

## BACKGROUND:

The goal of this project is to improve freeway corridor management planning and to develop and test a standard corridor planning template for use by Caltrans, as well as regional and local agencies.

Corridor management is a process for effective decision making that incorporates systematic study procedures to:

- assess transportation deficiencies
- identify options to address the deficiencies
- evaluate the options in a comprehensive manner

Additionally, community needs (livable communities, environmental justice), multi-modal transportation services, environmental impacts, performance outcomes, and financial feasibility are significant factors in the application of the corridor management process.

Caltrans has been developing system management strategies for several years in consultation with regional and local agencies, with the aim of managing the state highway system and adjacent major local arterials more efficiently.

Caltrans has designated certain corridors for aggressive implementation of ITS strategies such as traffic control (freeway ramp metering & arterial signalization), traveler information, and incident management. These strategies will complement other improvements such as transit and rail, maintaining state and local

# REPORT

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agency roadways, and some highway capacity improvements in order to provide the multi-faceted approach needed for sound system management.

The plan developed from this effort will serve as a standard template or best practices for use on other corridors as they become ready for the implementation of system management strategies.

**FISCAL IMPACT:**

No local cash or in-kind contribution will be required for this grant, per information received from Caltrans staff.

**RESOLUTION #06-470-1 OF THE SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS  
TO APPROVE AND ADOPT A RESOLUTION TO ACCEPT  
CALTRANS STATE PLANNING AND RESEARCH GRANT  
FUNDS**

**WHEREAS**, the Southern California Association of Governments (SCAG) is the Metropolitan Planning Organization (MPO) for six counties: Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial;

**WHEREAS**, Caltrans intends to award approximately \$300,000 in State Planning & Research (SP&R) funds to SCAG to finance an I-405 corridor improvement study aimed at utilizing operational strategies to improve system performance;

**WHEREAS**, Caltrans has requested that SCAG accept this funding and obtain and manage consultant services to perform the study, which will also be used as a “template” or management guide for model corridor management planning to be used throughout the state; and

**WHEREAS**, no cash or in-kind matching funds will be required to be contributed by SCAG;

**NOW, THEREFORE, BE IT RESOLVED** by the Regional Council of the Southern California Association of Governments to authorize SCAG to accept and manage Caltrans SP&R funds for an I-405 corridor improvement project and to implement the grant through the appropriate fiscal year OWP as amended.

**BE IT FURTHER RESOLVED:**

1. That the Regional Council approves and authorizes inclusion of the I-405 corridor improvement project SP&R grant funds in the appropriate fiscal year OWP;
2. That the SCAG Executive Director or in his absence, the Deputy Executive Director, is hereby designated and authorized by the Regional Council to execute all related agreements on behalf of the Regional Council for receipt of the I-405 corridor improvement project SP&R grant funds.

**APPROVED AND ADOPTED** by the [ ] vote of the Regional Council of the Southern California Association of Governments at a regular meeting this 5th day of January, 2006.

TONI YOUNG  
President, SCAG  
Councilmember, City of Port Hueneme

Mark Pisano  
Executive Director

Karen Tachiki  
Chief SCAG Legal Counsel



# REPORT

**DATE:** January 5, 2006

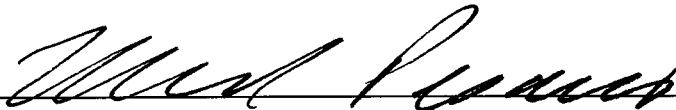
**TO:** Administrative Committee  
Regional Council

**FROM:** Lambertus H. Becker, Interim Chief Financial Officer



**SUBJECT:** Resolution #06-470-2 to accept FTA 5313b and State Planning and Research-Partnership Planning grant funds.

**EXECUTIVE DIRECTOR'S APPROVAL:**



## RECOMMENDED ACTION:

Adopt Resolution #06-470-2 authorizing SCAG to accept \$330,000 in FTA 5313b grant funds and \$300,000 in State Planning and Research-Partnership Planning grant funds, and authorize the Executive Director take the actions necessary to obtain the grant funds.

## SUMMARY:

CALTRANS has awarded to SCAG \$330,000 in FTA 5313b grant funds and \$300,000 in State Planning and Research-Partnership Planning grant funds for the following projects:

Project Title	Grant Amount	Sub-recipients/Partners
Commuter Rail Station Needs Assessment	\$ 280,000	OCTA; RCTC
Downtown LA Freeway System Study	\$ 300,000	City of LA; MTA
Rising Stars in Transit-Internships for University Students	\$ 50,000	RCTC

Caltrans is requesting a Regional Council Resolution to accept the grant funds and include the projects in the FY 2005-2006 OWP.

## BACKGROUND:

On an annual basis, Caltrans solicits applications statewide from Metropolitan Planning Organization (MPOs) and other local government and non-profit entities engaged in regional planning activities. For many of these categories, SCAG as the MPO for this region, must be the applicant, with cities, counties, public agencies, non-profits and Native American Tribal Governments as sub-recipients.

The listed grant applications were submitted to Caltrans in October 2004 with Regional Council authorization, and awarded by Caltrans May 31, 2005. Since the grants were awarded after the FY 2005-2006 OWP was submitted to Caltrans the projects were not initially included in the FY 2005-2006 OWP. Regional Council Resolution # 05-461-2, by which the Regional Council approved and adopted the FY

# REPORT

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2005-2006 OWP authorized the Executive Director to make administrative amendments to the OWP and the projects were submitted by SCAG as an Administrative Amendment to the FY 2005-2006 OWP in October 2005.

Caltrans is now requesting a separate Regional Council Resolution to accept the grant funds and include the projects in the FY 2005-2006 OWP. As noted above, the projects are reflected in an Administrative Amendment to the OWP submitted to Caltrans in October and also are included in formal Amendment 1 to the FY 2005-2006 OWP, which was approved by the Regional Council in November, 2005. Both these Amendments are pending Caltrans approval, which will not be given until Resolution #06-470-2 is approved by the Regional Council.

## FISCAL IMPACT:

SCAG will receive an additional \$330,000 in FTA 5313b grant funds and \$300,000 in State Planning and Research-Partnership Planning grant funds on a cost reimbursement basis once the projects are amended into the OWP and all grant requirements are met. The required match for these projects will be provided by the project sub-recipient and partner agencies.

**RESOLUTION #06-470-2 OF THE SOUTHERN CALIFORNIA  
ASSOCIATION OF GOVERNMENTS  
TO APPROVE AND ADOPT A RESOLUTION TO ACCEPT FEDERAL  
TRANSPORTATION AGENCY (FTA) 5313(b) and STATE PARTNERSHIP  
PLANNING GRANT FUNDS**

**WHEREAS**, the Southern California Association of Governments (SCAG) is the Metropolitan Planning Organization (MPO) for six counties: Los Angeles, Orange, San Bernardino, Riverside, Ventura, and Imperial;

**WHEREAS**, only MPOs and Regional Transportation Planning Agencies are eligible to receive FTA 5313(b) grant funds awarded by the California Department of Transportation (Caltrans) through an annual competitive selection process;

**WHEREAS**, CALTRANS has awarded to SCAG \$330,000 in FTA 5313b grant funds and \$300,000 in State Planning and Research-Partnership Planning grant funds; and

**WHEREAS**, the required local (non-Federal) cash or in-kind match will be provided by the project sub-recipient and partner agencies.

**NOW, THEREFORE, BE IT RESOLVED** by the Regional Council of the Southern California Association of Governments ("SCAG"), that SCAG does hereby approve acceptance of FTA 5313(b) and State Planning and Research grant funds.

**BE IT FURTHER RESOLVED:**

1. That the SCAG Executive Director or in his absence, the Deputy Executive Director is hereby designated and authorized to execute all related agreements on behalf of the Regional Council related to the FTA 5313(b) and State Planning and Research funds;
2. That the SCAG Executive Director or in his absence, the Deputy Executive Director is hereby designated and authorized to execute and submit the necessary documents for approval to the various participating State and Federal agencies to include the FTA 5313(b) and State Planning and Research funds in the appropriate year(s) OWP; and
3. That SCAG pledges to secure non-Federal cash or services, or both, for the matching funds necessary for financial assistance.

**APPROVED AND ADOPTED** by the [         ] vote of the Regional Council of the Southern California Association of Governments at a regular meeting this 5<sup>th</sup> day of January, 2006.

TONI YOUNG  
President, SCAG  
Councilmember, City of Port Hueneme

Mark Pisano  
Executive Director

Karen Tachiki  
Chief SCAG Legal Counsel

# MEMO

**DATE:** December 10, 2004

**TO:** Administration Committee  
Regional Council

**FROM:** Lambertus H. Becker, CFO (213) 236-1804  
Email: [becker@scag.ca.gov](mailto:becker@scag.ca.gov)

**SUBJECT:** Contracts and Purchase Orders Between \$5,000 - \$25,000

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**RECOMMENDED ACTION:** Information Only

**SUMMARY:**

**SCAG executed the following Purchase Order between \$5,000 and \$25,000**

- Office Team \$15,000  
Temporary Employment Services  
Funding Source: FHWA

**SCAG executed the following Contract between \$5,000 and \$25,000**

- DB Consulting \$10,000  
CVAG Growth Visioning Workshops  
Funding Source: FTA

# MEMO

**DATE:** December 16, 2005  
**TO:** Administration Committee and Regional Council  
**FROM:** Lambertus H. Becker, Interim Chief Financial Officer  
(213) 236-1804, becker@scag.ca.gov  
**RE:** Monthly Report for November 2005



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## Information Only

**Background:** This report contains three attachments: (1) SCAG's budget and expenditure data as of November 30, 2005, (2) a listing of payables and receivables over forty-five days old (3) FY 2006-07 Comprehensive Budget Development Schedule.

**Budget and Expenses:** The SCAG Agency-wide and General Fund financial reports are attached. This financial data is directly exported from the SAP system. The Agency-wide report is all inclusive of the OWP, General Fund, Indirect Cost and Fringe Benefits. We have categorized the accounts in the Agency-wide report to give the Regional Council a 'Big Picture' view of the SCAG financials. These categories are summarized below and detailed on the following pages.

### Percent of year: 42%

Category	Budget	YTD Expends	Balance	Percent Spent
Staff	\$9,568,411	\$3,417,275	\$6,151,136	36%
Consultant	13,397,621	528,051	12,869,570	4%
Sub Regions	1,952,087	15,905	1,936,182	1%
Direct Costs	4,619,739	1,411,396	3,208,343	31%
Fringe Benefits	3,717,103	1,577,057	2,140,046	42%
Other	3,897,953	478,357	3,419,956	12%
<b>Total</b>	<b>\$37,152,914</b>	<b>\$7,428,041</b>	<b>\$29,724,873</b>	<b>20%</b>

### November Highlights

- Received draft of SCAG's fiscal year financial statements from KPMG.
- Started developing, with program staff and directors, 2006-07 OWP budget.

Doc 117031



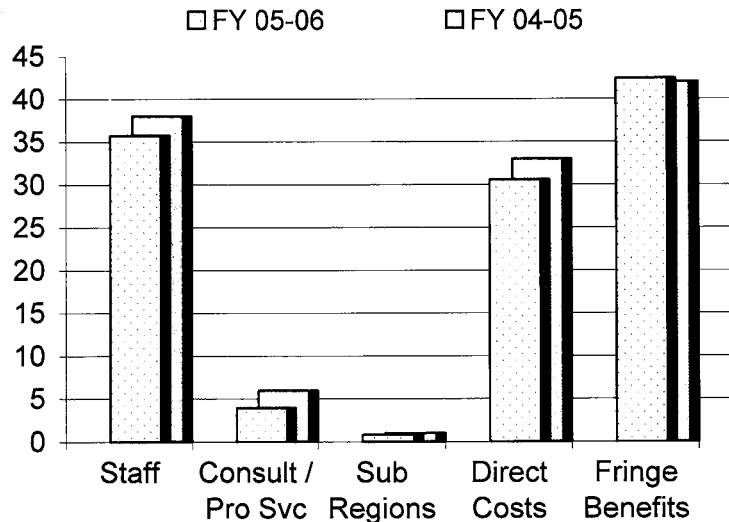
**Budget v. Actual and Encumbrances  
Through November - 42% of Year**

		Yr to Date Expenditures Thru Nov	Balance	Pct of Bud	Encum- brances	YTD Expenditures Plus Encumbrs	Balance	Pct of Bud
	Budget							
<b>Staff</b>								
Salaries	9,325,017	3,315,573	6,009,444	36%	-	3,315,573	6,009,444	36%
Temporary Help	243,394	101,702	141,692	42%	143,573	245,275	(1,881)	101%
	<b>9,568,411</b>	<b>3,417,275</b>	<b>6,151,136</b>	<b>36%</b>	<b>143,573</b>	<b>3,560,848</b>	<b>6,007,563</b>	<b>37%</b>
<b>Consultant / Professional Services</b>								
SCAG Consultant	12,962,621	424,655	12,537,966	3%	9,844,158	10,268,813	2,693,808	79%
Legal Services	435,000	103,396	331,604	24%	172,420	275,816	159,184	63%
Professional Services	0	0	0	0%	1	1	(1)	0%
	<b>13,397,621</b>	<b>528,051</b>	<b>12,869,570</b>	<b>4%</b>	<b>10,016,579</b>	<b>10,544,630</b>	<b>2,852,991</b>	<b>79%</b>
<b>Sub Regions</b>								
Subregional Consultant	864,729	7,304	857,425	1%	490,512	497,816	366,913	58%
Subregional Staff Projects	1,087,358	8,601	1,078,757	1%	1,123,022	1,131,623	(44,265)	104%
	<b>1,952,087</b>	<b>15,905</b>	<b>1,936,182</b>	<b>1%</b>	<b>1,613,534</b>	<b>1,629,439</b>	<b>322,648</b>	<b>83%</b>
<b>Direct Costs</b>								
Internet Access Fees	3,000	599	2,401	20%	1,198	1,796	1,204	60%
Software Support	111,988	59,136	52,852	53%	11,280	70,416	41,572	63%
Hardware Support	29,825	11,618	18,207	39%	15,006	26,624	3,201	89%
Software Purchases	30,000	18,483	11,517	62%	3,009	21,492	8,508	72%
Office Rent - Main Office	1,188,411	487,770	700,641	41%	545,294	1,033,063	155,348	87%
Office Rent - Satellite Office	40,000	23,419	16,581	59%	12,928	36,347	3,653	91%
Equipment Leases	491,270	172,110	319,160	35%	312,508	484,618	6,652	99%
Equipment Repairs	82,640	5,511	77,129	7%	6,875	12,386	70,254	15%
Insurance	179,000	180,183	(1,183)	101%	-	180,183	(1,183)	101%
Payroll and Bank Process Fee	32,100	8,922	23,178	28%	-	8,922	23,178	28%
Office Supplies	110,000	37,833	72,167	34%	58,489	96,322	13,678	88%
Office Maintenance	-	-	-	0%	-	-	0	0%
Small Office Purchase	337,000	47,679	289,321	14%	12,817	60,496	276,504	18%
Telephone Charges	169,508	32,463	137,045	19%	7,579	40,042	129,466	24%
Postage and Delivery	80,000	18,269	61,731	23%	883	19,153	60,847	24%
SCAG Memberships	71,375	48,246	23,129	68%	400	48,646	22,729	68%
Professional Memberships	8,240	1,469	6,771	18%	1,040	2,509	5,731	30%
Resource Materials and Subs	39,350	10,132	29,218	26%	57,904	68,036	(28,686)	173%
Depreciation - Furniture	10,000	12,753	(2,753)	128%	-	12,753	(2,753)	128%
Depreciation - Computer	39,270	18,865	20,405	48%	-	18,865	20,405	48%
Capital Outlay	44,000	-	44,000	0%	-	0	44,000	0%
Recruitment Notices	29,450	7,623	21,827	26%	16,801	24,424	5,026	83%
Public Notices	15,900	3,216	12,684	20%	2,784	6,000	9,900	38%
Staff Training	132,396	16,268	116,128	12%	90,492	106,760	25,636	81%
RC & Committee Meetings	20,000	4,742	15,258	24%	6,259	11,001	8,999	55%
RC Retreat	15,000	-	15,000	0%	-	-	15,000	0%
RC General Assembly	15,000	-	15,000	0%	-	-	15,000	0%
Other Meeting Expense	44,500	1,275	43,225	3%	3,550	4,825	39,675	11%
Miscellaneous	227,166	30,954	196,212	14%	9,700	40,654	186,512	18%
RC Meeting Stipends	140,000	50,400	89,600	36%	-	50,400	89,600	36%
Letter of Credit Interest	100,000	0	100,000	0%	-	0	100,000	0%
Caltrans Rapid Pay Fees	1,000	375	625	38%	-	375	625	38%
Cash Contributions to Projects	285,632	4,581	281,051	2%	-	4,581	281,051	2%
Printing	150,912	7,131	143,781	5%	36,182	43,313	107,599	29%
Travel	220,806	45,555	175,251	21%	-	45,555	175,251	21%
Travel - Lod > Per Diem	5,000	1,580	3,420	32%	-	1,580	3,420	32%
Travel - Event Registration	22,900	14,331	8,569	63%	315	14,646	8,254	64%
AMPO Board Expense	0	-	0	0%	-	-	0	0%
NARC BOARD EXPENSE	3,000	-	3,000	0%	-	-	3,000	0%
RC Special Projects	18,000	13,905	4,095	77%	-	13,905	4,095	77%
RC Sponsorships	76,100	14,000	62,100	18%	350	14,350	61,750	19%
	<b>4,619,739</b>	<b>1,411,396</b>	<b>3,208,343</b>	<b>31%</b>	<b>1,213,643</b>	<b>2,625,038</b>	<b>1,994,701</b>	<b>57%</b>

**Budget v. Actual and Encumbrances  
Through November - 42% of Year**

	Budget	Yr to Date Expenditures Thru Nov	Balance	Pct of Bud	Encum- brances	YTD Expenditures Plus Encumbrs	Balance	Pct of Bud
<b>Fringe Benefits</b>								
Vacation Accrual Reconciliatic	-	0	0	0%	-	0	0	0%
Severance Pay	-	0	0	0%	-	0	0	0%
Sick Leave Payback	-	0	0	0%	-	0	0	0%
Compensation Awards	50,000	47,826	2,174	96%	-	47,826	2,174	96%
Retirement - PERS	1,748,154	694,128	1,054,026	40%	-	694,128	1,054,026	40%
Retirement - PARS	56,916	29,025	27,891	51%	-	29,025	27,891	51%
Health Insurance	750,000	270,916	479,084	36%	-	270,916	479,084	36%
Dental Insurance	79,960	37,225	42,735	47%	-	37,225	42,735	47%
Vision Insurance	26,747	9,753	16,994	36%	-	9,753	16,994	36%
Life Insurance	110,000	37,704	72,296	34%	-	37,704	72,296	34%
Medical & Dental Cash Rebat	324,600	122,287	202,313	38%	-	122,287	202,313	38%
Medicare Tax	138,786	43,923	94,863	32%	-	43,923	94,863	32%
Tuition Reimbursements	5,000	1,000	4,000	20%	-	1,000	4,000	20%
Bus Passes	12,000	3,819	8,181	32%	-	3,819	8,181	32%
Carpool Reimbursements	4,000	1,295	2,705	32%	-	1,295	2,705	32%
Bus Passes - Taxable	63,000	21,281	41,719	34%	-	21,281	41,719	34%
Workers Comp Insurance	233,900	233,009	891	100%	-	233,009	891	100%
Unemployment Insurance	33,540	15,191	18,349	45%	-	15,191	18,349	45%
Deferred Comp Match	76,500	7,335	69,165	10%	-	7,335	69,165	10%
Benefit Administration Fees	4,000	1,340	2,660	34%	-	1,340	2,660	34%
	<b>3,717,103</b>	<b>1,577,057</b>	<b>2,140,046</b>	<b>42%</b>	-	<b>1,577,057</b>	<b>2,140,046</b>	<b>42%</b>
<b>Other</b>								
Soft Match Contributions	3,472,217	478,357	2,993,860	14%	2,800,203	3,278,560	193,657	94%
Exp - Local cash	550,000	0	550,000	0%	-	0	550,000	0%
Reconcile to Burden	(124,264)	0	(124,264)	0%	-	0	(124,264)	0%
	<b>3,897,953</b>	<b>478,357</b>	<b>3,419,596</b>	<b>12%</b>	<b>2,800,203</b>	<b>3,278,560</b>	<b>619,393</b>	<b>84%</b>
<b>Grand totals:</b>	<b>37,152,914</b>	<b>7,428,041</b>	<b>29,724,873</b>	<b>20%</b>	<b>15,787,532</b>	<b>23,215,572</b>	<b>13,937,342</b>	<b>62%</b>

**% of Budget Spent @ 42% of year**





**Budget v. Actual and Encumbrances**  
**General Fund Only**  
**Through November - 42% of Year**

	Budget	Yr to Date Expenditures Thru Nov	Balance	Pct of Bud	Encum- brances	YTD Expenditures Plus Encumbrs	Balance	Pct of Bud
<b>Staff</b>								
Salaries	14,730	5,598	9,132	38%	-	5,598	9,132	38%
Fringe Burden	8,716	4,325	4,391	50%	-	4,325	4,391	50%
Indirect Burden	26,128	11,057	15,071	42%	-	11,057	15,071	42%
	<b>49,574</b>	<b>20,980</b>	<b>28,594</b>	<b>42%</b>	<b>-</b>	<b>20,980</b>	<b>28,594</b>	<b>42%</b>
<b>Consultant / Professional Services</b>								
SCAG Consultant	292,980	100,243	192,737	34%	181,157	281,400	11,580	96%
Legal Services	200,000	14,822	185,178	7%	113,591	128,413	71,588	64%
Professional Services	-	-	-	0%	-	-	-	0%
	<b>492,980</b>	<b>115,065</b>	<b>377,915</b>	<b>23%</b>	<b>294,748</b>	<b>409,813</b>	<b>83,168</b>	<b>83%</b>
<b>Direct Costs</b>								
Payroll Bank Fees	-	1,612	(1,612)	0%	-	1,612	(1,612)	0%
Office Supplies	-	-	-	0%	-	-	-	0%
SCAG Memberships	13,133	17,613	(4,480)	134%	-	17,613	(4,480)	134%
Capital Outlay	44,000	-	44,000	0%	-	-	44,000	0%
RC & Committee Meetings	20,000	4,742	15,258	24%	6,259	11,001	8,999	55%
RC Retreat	15,000	-	15,000	0%	-	-	15,000	0%
RC General Assembly	15,000	-	15,000	0%	-	-	15,000	0%
TRAINING	25,000	-	25,000	0%	-	-	25,000	0%
Other Meeting Expense	26,000	(179)	26,179	-1%	900	721	25,279	3%
Miscellaneous	46,636	22,210	24,426	48%	870	23,081	23,555	49%
RC Meeting Stipends	140,000	50,400	89,600	36%	-	50,400	89,600	36%
Letter of Credit Interest	100,000	-	100,000	0%	-	-	100,000	0%
Caltrans Rapid Pay Fees	1,000	375	625	38%	-	375	625	38%
Cash Contributions to Projects	285,632	4,581	281,051	2%	-	4,581	281,051	2%
Travel	39,300	6,345	32,955	16%	-	6,345	32,955	16%
Travel - Lod. > Per Diem	5,000	1,110	3,890	22%	-	1,110	3,890	22%
Travel - Event Registration	3,000	520	2,480	17%	-	520	2,480	17%
AMPO Board Expense	-	-	-	0%	-	-	-	0%
NARC BOARD EXPENSE	3,000	-	3,000	0%	-	-	3,000	0%
RC Special Projects	18,000	13,905	4,095	77%	-	13,905	4,095	77%
RC Sponsorships	76,100	14,000	62,100	18%	350	14,350	61,750	19%
	<b>875,801</b>	<b>137,234</b>	<b>738,567</b>	<b>16%</b>	<b>8,379</b>	<b>145,614</b>	<b>730,187</b>	<b>17%</b>
<b>Grand totals:</b>	<b>1,418,355</b>	<b>273,279</b>	<b>1,145,076</b>	<b>19%</b>	<b>303,127</b>	<b>576,407</b>	<b>841,949</b>	<b>41%</b>

Accounts Receivable						
Funding Agency	Project	Reason for delay	Actions taken	Amount	Age	Prognosis
MTA/Caltrans	<b>Commuter Access Project:</b> Developed a subscriber-based real-time traffic information system.	After the billings were sent to MTA and the project was completed, they declined to reimburse stating that a required form should have been sent to Caltrans at the time of signing the agreement. They stated the payment of our billing was a Caltrans obligation because they are the direct funding source.	SCAG staff relied on representations from MTA staff that alternative funding was being sought to fund the project. However SCAG was notified in 2004 of MTA's intent to de-obligate the funding. SCAG was able to delay the de-obligation and sent a formal request to Caltrans (11/09/04) to request them to administratively appeal our claim to the FHWA. Following further talks and additional documentation in a 05/31/05 letter, Caltrans did not file an appeal. Instead, they recommended a direct appeal for alternative funding from FTA.	\$130,000	(1) 4 years	Doubtful collection.
MTA/Caltrans	<b>Web-Accessible Vanpool Information System:</b> Developed and implemented an centralized vanpool database that contains lists of vanpools, vacancies and destinations.	See above	See above	\$101,000	(1) 4 years	Doubtful collection.
SCRRA	Upgrade the Alternative Model Analysis of the Regional Travel Demand Model.	SCAG rejected the work of a sub-contractor and SCRRA has declined to pay their share of the upgrade until the model is completed.	SCAG modeling staff has negotiated with the contractor to satisfactorily correct the deficiencies at their own expense. Completion and collection is forecasted by year end.	\$37,059	17 months	Probable
(1) - Funds are budgeted in this year's General fund budget to pay for these costs if our appeal is unsuccessful.						
Accounts Payable						
San Gabriel Valley COG	Various OWP funded project work contracted and performed by the SGVCOG.	Payment will not be made until internal audit issues are resolved.	Resolution of the internal audit issues are continuing.	\$129,533	6 months	Payment is contingent on resolution of audit issues.

# FY 2006-07 Comprehensive Budget Development Schedule

Week	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	<b>July</b>				<b>1</b>
35					
34	<b>4</b> 4th of July	<b>5</b>	<b>6</b>	<b>7</b> <i>RC MEETING</i>	<b>8</b>
33	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>
32	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>
31	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b> discuss schedule & priorities with subregions	<b>29</b> <u>4th quarter progress report due to Caltrans</u>
	<b>August 1</b>	<b>2</b> management approves draft schedule	<b>3</b> distribute schedule internally	<b>4</b> <i>EXECUTIVE COMMITTEE</i>	<b>5</b>
30	<b>8</b>	<b>9</b>  project selection criteria discussion	<b>10</b>	<b>11</b> draft schedule finalized for RC mailing; priorities / workshop material for September RC; discuss priorities / plan workshop for RC	<b>12</b>
29					
28	<b>15</b>	<b>16</b> project selection criteria discussion	<b>17</b>	<b>18</b>	<b>19</b> meet with Caltrans to discuss document format
27	<b>22</b> develop template for new document; hire access expert for database development	<b>23</b>	<b>24</b>	<b>25</b>  discuss priorities with subregions	<b>26</b>
26	<b>29</b>	<b>30</b> project selection criteria discussion	<b>31</b>		
	<b>September</b>			<b>1</b>  <i>RC MEETING - OWP schedule is approved; hold priorities workshop at RC; provide copies of comprehensive budget</i>	<b>2</b>  staff to fill in draft project framework chart
26					
25	<b>5</b> Labor Day	<b>6</b> project framework/ priorities discussion	<b>7</b> priorities are drafted	<b>8</b>	<b>9</b>
24	<b>12</b>	<b>13</b> <u>Caltrans 4th quarter progress report meeting</u> project framework & priorities discussion	<b>14</b>	<b>15</b>	<b>16</b>
23	<b>19</b> directors & managers meeting on framework & criteria	<b>20</b> project framework finalized	<b>21</b> memo for October RC on priorities	<b>22</b> discuss priorities & project selection criteria with subregions	<b>23</b> complete creation of database
22	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>

management deadlines

required deadlines

RC agenda schedule

**RC MEETINGS**

# FY 2006-07 Comprehensive Budget Development Schedule

Week	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	<b>October 3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
21	progress reports due		complete test run of database		
	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>
20	<b>RC MEETING - Approves Final Priorities</b>	subregional & staff projects requested	subregional OWP training; SCAG staff & subregional scope writing training	hold meetings with each subregion on proposals (Oct 13 - Nov 11)	
	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>	<b>21</b>
19			internal project development training		
	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b>
18	directors & managers meeting to review project concepts/budget			Sub-Regional Coordinators meeting	
	<b>31</b>				
17	<u>1st quarter progress report due to Caltrans</u>				
	<b>November</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
17		preliminary fund estimates from Caltrans		<b>RC MEETING</b>	
	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>
16					
	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>
15	<u>subregional &amp; staff project proposal write-ups due by 5:00 PM</u>				
	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>
14	managers meeting to discuss proposals			Thanksgiving	Thanksgiving
	<b>28</b>	<b>29</b>	<b>30</b>		
13	managers meeting to finalize proposals	1st review of project proposals	develop staff hours calculations		
	<b>December</b>			<b>1</b>	<b>2</b>
13				<b>RC MEETING</b>	
	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
12		final review of project proposals			
	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>
11					
	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>
10				project selection completed	
	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>
9	Christmas			finalize all OWP write-ups	write prospectus; gather planning programs from other agencies

management deadlines

required deadlines

RC agenda schedule

**RC MEETINGS**

# FY 2006-07 Comprehensive Budget Development Schedule

Week	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
	<b>January 2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>
8	News Years Day			RC MEETING	progress reports due
	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>
7					enter all information into SAP, develop all financial reports; gather list & create forms for all grant apps; draft resolution; gather all certifications for signature; create staff allocation chart
6	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>	<b>20</b>
	Martin Luther King Day				
5	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>
	OWP document drafted				
4	<b>30</b>	<b>31</b>			
		2nd quarter progress report due to Caltrans			
	<b>February</b>		<b>1</b>	<b>2</b>	<b>3</b>
4				RC MEETING - Budget study session on proposed budget	review and edit document as needed; develop presentation for Admin & RC; create summary document for Admin & RC
3	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
				draft OWP finalized for RC mailing	
2	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>
			draft OWP printing		RC mailing
1	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
	Presidents Day				
0	<b>27</b>	<b>28</b>			
		ICAP to Caltrans			
	<b>March</b>		<b>1</b>	<b>2</b>	<b>3</b>
0			draft document sent to Caltrans per Handbook	RC MEETING - Approve release of Draft OWP for comment; document released for public comment	
1	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
2	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>
3	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>
4	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>
					public comment period closes

management deadlines

required deadlines

RC agenda schedule

RC MEETINGS

# FY 2006-07 Comprehensive Budget Development Schedule

Week	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
5	<b>April 3</b> progress reports due	<b>4</b> mgmt decides what changes should be made	<b>5</b>	<b>6</b> <b>RC MEETING</b>	<b>7</b> modify document based on comments; Comments are responded to
6	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b> finalize OWP based on comments
7	<b>17</b>	<b>18</b>	<b>19</b> print final OWP for RC mailing	<b>20</b> <b>IPG meeting (tentative)</b>	<b>21</b> mail to RC
8	<b>24</b>	<b>25</b>	<b>26</b>	<b>27</b>	<b>28</b> <b>3rd quarter progress report due to Caltrans</b>
9	<b>May 1</b> <b>submit final OWP to Caltrans per Handbook</b>	<b>2</b>	<b>3</b>	<b>4</b> <b>RC MEETING - Approval of final OWP</b>	<b>5</b>
10	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
11	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
12	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
13	<b>29</b> <i>Memorial Day</i>	<b>30</b>	<b>31</b>		
13	<b>June</b>			<b>1</b> <b>Caltrans submits approval of OWP to FHWA</b>	<b>2</b>
14	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>
15	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>
16	<b>19</b>	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>
17	<b>26</b>	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b> <b>FHWA provides approval to Caltrans; Caltrans approves OWP</b>

management deadlines

**required deadlines**

RC agenda schedule

**RC MEETINGS**

# REPORT

**DATE:** December 15, 2005

**TO:** Regional Council

**FROM:** Naresh Amatya, Lead Regional Planner, 213-236-1885, amatya@scag.ca.gov

**SUBJECT:** Proposed 2008 Regional Transportation Plan (RTP) Update approach and the schedule pursuant to SAFETEA-LU

**EXECUTIVE DIRECTOR'S APPROVAL:**

**RECOMMENDED ACTION:**

Approve the proposed 2008 RTP update approach and the schedule as approved by the Transportation and Communications Committee (TCC) on December 1, 2005.

**SUMMARY:**

On December 1, 2005, TCC approved staff recommendation to move forward with the next Regional Transportation Plan Update (RTP) pursuant to the requirements of SAFETEA-LU, which allows plan update on 4-year cycle rather than the current 3-year cycle.

**BACKGROUND:**

Staff proposes updating the next RTP pursuant to the new requirements under the recently passed transportation bill known as Safe, Accountable, Flexible and Efficient Transportation Equity Act- A Legacy for Users (SAFETEA-LU). SAFETEA-LU includes a provision that allows SCAG to update the RTP every four years rather than every three years as required under the previous bill, Transportation Equity Act for the 21<sup>st</sup> Century (TEA-21). This would mean that the next RTP would be brought to the Regional Council for adoption in April of 2008 rather than 2007. The following are some of the primary benefits of the new 4-year update cycle that would effectively provide SCAG one extra year to adopt the next RTP.

1. We have the opportunity to synchronize the RTP update process and the air quality planning process. The United States Environmental Protection Agency (US EPA) has established new federal 8-hour ozone standards requiring states to submit new ozone State Implementation Plans (SIPs) by June 15, 2007, and PM2.5 will be included in these 2007 SIPs. Under the 3-year cycle, the conformity status of Southern California's 2004 RTP would expire on June 7, 2007, the day after the SIPs are due to EPA. With this schedule, the US EPA would not determine that the new on-road emissions budgets are adequate until after the 2007 RTP is adopted, and we would have to use the old SIP budgets that are based on the old model and obsolete data. If, however, we are able to apply the SAFETEA-LU 4-year cycle to our existing transportation plan, then we would have consistent use of the new model and new activity data in both the 2008 RTP and 2007 SIP.
2. The additional one year allowed by the 4-year cycle would allow us to take full advantage of our new and improved travel demand model. This will cure the perennial problem that arises due to inconsistency between the model/inventory data used to develop the emission budget versus the model used to perform the emission analysis to demonstrate conformity.

# REPORT

3. One of the provisions in SAFETEA-LU requires that a conformity re-determination on an existing RTP or RTIP must be made within 2 years of SIP approval by the US EPA. Therefore, given that SIP submittal for California is scheduled for June of 2007, and subsequent adequacy findings by US EPA around fall of 2007, conformity re-determination would have to be made by fall of 2009 on the 2007 RTP. This would not only put a strain on our resources, but would continue to perpetuate the mis-step between RTP and SIP. On the other hand, a 2008 RTP would use the 2007 SIP, avoiding this potential pitfall.
4. There are a number of major corridor studies that are being conducted in the region. The timing on these studies is such that final recommendations from these studies may only be available in time for incorporation into the 2008 RTP. If we were to update the RTP by April of 2007, we may not be able to take advantage of these efforts.
5. A new state law (AB2158, Lowenthal) requires that the RHNA update be coordinated with the RTP Update. The state RHNA schedule established before the passage of SAFETEA-LU calls for adoption of the housing allocation by June of 2007 by SCAG so that the cities can reflect the new allocations in their respective general plans by June of 2008. The growth forecast is an input to the RTP process. The additional one year available under the 4-year cycle would allow us to request an extension of the RHNA cycle 2008.
6. The SAFETEA-LU broadens the planning requirements of the RTP, and staff believes this would strengthen our plan in the long run. Some of the expanded planning requirements include explicit incorporation of environmental mitigation measures into the RTP, implementation of broadened consultation requirements, added emphasis on transportation security and non-motorized transportation planning, and added emphasis on system preservation.

A key issue in pursuing the 4-year cycle is that the conformity on our current RTP (2004 RTP) runs out on June 7, 2007, which means we could potentially face a conformity lapse for a period of about a year. However, SAFETEA-LU does have a provision for a grace period of up to one year. It is not fully clear at this point what this grace period would mean. A key concern for the region is that RTIP amendments may not be approved by the federal agencies during this grace period, which could not only be detrimental to our ability to deliver critical RTIP projects in a timely manner, but also potentially result in loss of funds for the region. Federal agencies responsible for implementing SAFETEA-LU will be developing rules and guidelines to clarify these issues over the next several months. Staff will continue to work with the federal agencies responsible for the rule making to ensure that our concerns are adequately considered in the process. Furthermore, staff also proposes pursuing clarifying legislation that would resolve our issue.

The following are key milestones for the 2008 RTP update.

- Initial input from the stakeholders on the plans and programs by June 2006
- Adopt 2006 RTIP, which provides the basis for the No-Project (Baseline) alternative for the 2008 RTP by August, 2006
- Complete No-Project Growth Forecast by Sept. 2006
- Complete alternatives evaluation process by June of 2007
- Release Draft 2008 RTP and PEIR for public review and comments by October of 2007
- Close public review and comment period by January of 2008



# REPORT

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- Refine and finalize the 2008 RTP per public input process, including preparation of the response to comments and present to RC for adoption in April of 2008
- Conformity certification by the federal agencies in June of 2008

**FISCAL IMPACT:**

Updating the RTP is a core activity for SCAG. Therefore it is fully reflected in the OWP and no additional fiscal impact is anticipated.

# REPORT

**DATE:** January 5, 2006

**TO:** Transportation & Communications Committee  
Regional Council

**FROM:** Nancy Pfeffer, Sr. Regional Planner, 213-236-1869, [pfeffer@scag.ca.gov](mailto:pfeffer@scag.ca.gov)

**SUBJECT:** Regional Comment on Federal Trade Agreement with Thailand

**EXECUTIVE DIRECTOR'S APPROVAL:**



**RECOMMENDED ACTION:**

Approve comment for submittal to the Office of the U.S. Trade Representative.

**SUMMARY:**

The Office of the U.S. Trade Representative is seeking comment on the Interim Environmental Review of a proposed United States-Thailand Free Trade Agreement (FTA). SCAG has prepared consensus comments on the FTA conveying the region's concerns that federal trade policy has created enormous, uncompensated localized burdens in Southern California due to the growth in goods movement.

**BACKGROUND:**

Federal law and policy require environmental reviews of trade agreements. The proposed trade agreement with Thailand will probably have a small impact on overall U.S. maritime and land-side goods movement. However, according to the Interim Environmental Review itself (Annex VII, Data Tables), the Los Angeles Customs District handles the single largest share of U.S. trade with Thailand (32.4% of imports and 29.7% of exports in 2004, by customs value) when compared with all other U.S. customs districts. It is clear that any increase in trade facilitated by this agreement will add to a huge cumulative local impact on Southern California.

The consideration of the environmental impacts of this FTA provides the region an opportunity to express formally to the federal government our concern about the local impacts of national and international trade. Our comments describe the ways in which the federal government can assist state, regional, and local authorities to address these impacts.

An outline and draft text of the comments are attached. The interim environmental review may be viewed at [http://www.ustr.gov/assets/Trade\\_Agreements/Bilateral/Thail\\_FTA/asset\\_upload\\_file463\\_8410.pdf](http://www.ustr.gov/assets/Trade_Agreements/Bilateral/Thail_FTA/asset_upload_file463_8410.pdf). Comments are due to the Trade Representative on Friday, January 6, 2006.

**FISCAL IMPACT:**

Submittal of these comments will have no fiscal impact on SCAG.



## **Outline and Draft Text for Proposed Southern California Comments on Interim Environmental Review of U.S.- Thailand Free Trade Agreement (FTA)**

### **I. Introduction and Background**

- We appreciate the opportunity to comment
- Past federal agreements on international trade have caused tremendous localized environmental and public health impacts in our region.
- This is true for both marine and landside modes of cargo transportation.
- While trade volume with Thailand is small, the added trade will contribute to a cumulative impact that is enormous. The top bullet item on Page ii of the Executive Summary states that “the United States-Thailand FTA is not expected to have a negative impact on the ability of U.S. government authorities to enforce or maintain U.S. environmental laws or regulations.” We disagree. The additional emissions burden from increased Thai trade, however small, will move Southern California even farther away from attainment of health-based ambient air quality standards.
- In economic terms, these impacts are externalities: no party to the trade transactions pays the cost of mitigation.

### **II. The Localized Impacts of International Trade**

#### ***A. Public Health Impacts***

- Details on emissions from vessels, locomotives, trucks
- Cite health studies on public impacts (USC/UCLA, etc.)
- Discuss jurisdictional limitations – especially the difficulty in regulating ship emissions, which this agreement will likely increase through encouragement of ship traffic
- The bullet item on Page i of the Executive Summary says that “the likelihood and magnitude of [localized environmental] effects and increased risks, while difficult to quantify, appear to be small.” While the magnitude may indeed be small, we disagree that the likelihood is small – in fact, increased impacts are all but assured unless certain actions are taken.

#### ***B. Quality-of-Life Impacts***

- Cite community impacts (noise, light, blight, vibration, restricted outdoor activity, etc.)
- Environmental justice issues

***C. Infrastructure Impacts***

- Cite extensive impacts of truck travel on freeway congestion and damage to infrastructure
- Southern California's highway capacity is funded more and more from local sources, but is used to benefit the interstate commerce with only limited local benefits

**III. Federal Cooperation to Solve the Problem**

- Our goal is not to discourage the development of trade agreements in general or this one in particular, but to highlight the need for federal assistance in resolving the issues of goods movement in Southern California
- These local impacts are a direct result of past federal trade policy. Hence it is a federal responsibility to help state, regional, and local governments to address these impacts. To facilitate this cooperation, a separate but related effort is underway to develop a Memorandum of Understanding among these parties outlining their respective roles in resolving the issues.

***A. Areas of Federal Support***

1. Improvement of the NEPA framework and review process;
2. Legislative support of the funding capability for public-private partnership investment;
3. Aggressive action to control sources under federal control;
4. Senate ratification of MARPOL Annex VI and establishment of North American SECA;
5. Legislative support needed for the implementation of user fees.

***B. Additional Considerations***

1. This agreement offers an opportunity to insist on more aggressive vessel standards (e.g., alternative fuels, alternative-maritime-power-enabled vessels, vessel speed reduction, etc.)

# REPORT

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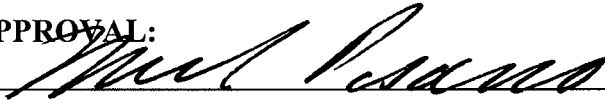
**DATE:** January 5, 2005

**TO:** Regional Council

**FROM:** Energy and Environment Committee  
Jacob Lieb, Acting Lead Regional Planner, (213) 236-1921, [lieb@scag.ca.gov](mailto:lieb@scag.ca.gov)

**SUBJECT:** S1607 Solid Waste on Railroad Properties

**EXECUTIVE DIRECTOR'S APPROVAL:**



**RECOMMENDED ACTION:**

Support Solid Waste Environmental Regulation/Railroads, S1607/HR 3577.

**SUMMARY**

The Energy and Environment Committee (EEC) and the Solid Waste Task Force recommend support of federal legislation to clarify jurisdiction of solid waste facilities on railroad properties. Existing Federal Law exempts railroads from State and local environmental regulation, and grants sole jurisdiction over these matters to the Surface Transportation Board. The proposed legislation would create an exception for solid waste management facilities.

**BACKGROUND:**

The sole jurisdiction of the Federal government over railroads has created the unintended consequence of allowing solid waste disposal facilities on railroad property to be unregulated. In practice, this lack of oversight leads to environmental hazards and difficulty in implementing integrated waste management practices.

The proposed legislation, S1607 (Corzine) and HR 3577 (House companion bill) would simply remove solid waste from among the responsibilities of the Surface Transportation Board, thereby subjecting sites to whatever other regulation would otherwise apply.

The Solid Waste Task Force considered this item at its meeting on September 22, and unanimously recommended support for this legislation.

**FISCAL IMPACT:**

All work related to adopting the recommended staff action is contained within the adopted FY05/06 budget and adopted 2005 SCAG Legislative Program and does not require the allocation of any additional financial resources.

**Attachment:**

Text of legislation

109TH CONGRESS  
1ST SESSION

# S. 1607

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

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## IN THE SENATE OF THE UNITED STATES

JULY 29, 2005

Mr. LAUTENBERG (for himself and Mr. CORZINE) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

### 3 SECTION 1. SHORT TITLE.

4 This Act may be cited as the "Solid Waste Environ-  
5 mental Regulation Clarification Affecting Railroads Act of  
6 2005".

1 SEC. 2. AMENDMENTS TO EXCLUDE SOLID WASTE DIS-  
2 POSAL FROM THE JURISDICTION OF THE  
3 BOARD.

4 Section 10501 of title 49, United States Code, is  
5 amended—

6 (1) in subsection (b)(2), by inserting “except  
7 solid waste management facilities (as defined in sec-  
8 tion 1004 of the Solid Waste Disposal Act (42  
9 U.S.C. 6903)),” after “facilities,”; and

10 (2) in subsection (c)(2)—

11 (A) by striking “over mass” and inserting  
12 the following: “over—

13 “(A) mass”; and

14 (B) by striking the period at the end and  
15 inserting the following: “; or

16 “(B) the processing or sorting of solid  
17 waste.”.

○

109TH CONGRESS  
1ST SESSION

# H. R. 3577

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. MENENDEZ (for himself, Mr. PALLONE, Mr. PASCRELL, Mr. ANDREWS, and Mr. ROTHMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

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5 the following: “over—  
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9 “(B) the processing or sorting of solid  
10 waste.”.

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**S. 1607 - July 29, 2005**  
**Solid Waste Environmental Regulation Clarification Affecting**  
**Railroads Act of 2005**  
(Companion House of Representative, H.R. 3577)  
Mike Mohajer

On 7/29/05, Senators Lautenberg (D-NJ) and Corzine (D-NJ) introduced S. 1607 addressing the loop hole in the Interstate Commerce Commission Termination Act of 1995 that gives the Federal Surface Transportation Board the authority to exempt rail operators from complying with state and local solid waste laws and regulations. Below is an excerpt from the Congressional Record with the legislative language and statements from the two New Jersey Senators.

**CONGRESSIONAL RECORD -- July 29, 2005 SENATE** (PP: S9531 & 2)

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 1607. A bill to amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board; to the Committee on Commerce, Science, and Transportation.

Mr LAUTENBERG. Mr. President, I rise to introduce legislation to address a serious problem in New Jersey and across the nation—the unregulated sorting and processing of garbage at rail facilities in our communities.

A conflict in Federal laws and policy has resulted in certain solid waste-handling facilities located on railroad property being unregulated. Environmental laws such as the Solid Waste Disposal Act should apply to the operation of these facilities. However, a broad-reaching Federal railroad law forbids environmental regulatory agencies from overseeing the safe handling of trash or solid waste at these sites.

These unintended consequences require our attention, and are the reason for the Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005.

The Federal railroad law in question was enacted most recently in the Interstate Commerce Commission Termination Act of 1995 to protect the operation of interstate rail service. The law gives 'exclusive' jurisdiction over rail transportation—and activities incident to such transportation—to the Federal Surface Transportation Board.

I realize this law is necessary for the efficient operation of commerce in our modern economy. I serve on the Committee on Commerce, Science and Transportation, as well as the Subcommittee on Merchant Marine and Surface Transportation, which oversees

(1)

the Surface Transportation Board and considers nominations of its members. The board's reputation and expertise in rail regulation is second to none.

However, the Board is limited to only a passive role in ensuring that rail facilities are operated with minimal detriment to the public health and safety. These sites require active environmental regulation, just like other solid waste handling facilities.

The recent proliferation of solid waste rail transfer facilities has affected the ability of State and local governments to engage in long-term waste management planning. These agencies also are responsible for responding to accidents and incidents occurring at these facilities.

Although transporting solid waste by rail can reduce the number of trucks hauling solid waste on public roads, handling this waste without careful planning and management presents a danger to human health and the environment.

These transfer operations create thick dust, which is potentially hazardous and is breathed in by local residents and business owners.

Some transfer facilities don't have proper drainage on site, leading to the potential contamination of surface and groundwater and nearby wetlands.

In addition, these facilities raise serious concerns about the safety of their workers and the exemptions they claim from strong State worker protection laws.

As a result of these chilling reports, I asked state agencies in New Jersey, railroads, and other interested groups to provide input into possible legislation to address this problem.

Many experts in New Jersey, including the Department of Environmental Protection, the Meadowlands Commission, the Pinelands Commission, and the Rutgers Environmental Law Clinic, provided excellent suggestions. I look forward to working with them throughout the process to find a solution to this problem.

I have also met with railroad interests, who are concerned about their ability to continue hauling solid waste. Some operators of these rail facilities have voluntarily complied with State environmental laws, even though they could claim that Federal railroad law preempts any enforcement action States could take. I would like to thank members of the solid waste handling industry for their concern and input as well.

One reason this legislation is needed is that the Surface Transportation Board has never clarified whether it even has jurisdiction over the processing and sorting of solid waste at a rail facility.

This bill would make it clear that Congress' intent was not to subvert the policies of the Solid Waste Disposal Act and other environmental laws covering the handling of garbage.

(2)

The bill will clarify the intent of Congress in passing these two important laws, and ensure that they work together to provide for a robust, environmentally responsible rail system.

Some have suggested that perhaps this clarification should not be limited to the processing and sorting of solid waste. But these are the activities that require the greatest environmental oversight, because they pose the greatest environmental risk.

Many towns across the country are beginning to understand the problem of having an unregulated polluting neighbor, and having nowhere to turn for help. Many influential organizations support this effort, including: United States Conference of Mayors, National Governors Association, Solid Waste Association of North America, Mass Municipal Association, National Solid Wastes Management Association, Integrated Waste Services Association, and Construction Material Recyclers Association.

These garbage transfer facilities should not be able to circumvent and ignore our environmental and safety laws. I realize that the Surface Transportation Board must have broad jurisdiction over rail transportation, but that jurisdiction should not be interpreted in a way that puts our environment at risk.

Railroading has a bright future in New Jersey and throughout our country, as freight loads have increased to levels we have not seen in some time. I have fought for many years to ensure that our freight transportation system, the backbone of our national economy, continues to flourish. But we need this legislation to ensure that these solid waste rail transfer facilities are run in the same environmentally responsible manner as other solid waste sites.

I ask unanimous consent that the text of the bill be printed in the **RECORD**.

There being no objection, the bill was ordered to be printed in the **RECORD**, as follows:

S. 1607

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the "Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005".*

#### **SEC. 2. AMENDMENTS TO EXCLUDE SOLID WASTE DISPOSAL FROM THE JURISDICTION OF THE BOARD.**

(3)

Section 10501 of title 49, United States Code, is amended --

(1) in subsection (b)(2), by inserting "except solid waste management facilities (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903))," after "facilities,"; and

(2) in subsection (c)(2) --

(A) by striking "over mass" and inserting the following: "over --

"(A) mass"; and

(B) by striking the period at the end and inserting the following: "or

"(B) the processing or sorting of solid waste.".

Mr. CORZINE. Mr. President, I rise in support of legislation being introduced today by my colleague from New Jersey, Senator LAUTENBERG. This legislation, the Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005, would deal with a growing problem in my state: the problem of railroads avoiding strict environmental standards by constructing waste transfer facilities next to rail lines. I am proud to cosponsor this important legislation.

I first became aware of this problem when constituents contacted me about a waste transfer facility proposed to be built by a railroad in Mullica Township, New Jersey. There could not be a worse place for such a facility. Mullica Township is located in the Pinelands National Reserve, which encompasses more than 1.1 million acres of ecologically sensitive land. The Pinelands was designated as our nation's first national reserve in order to protect its streams, bogs, and cedar and hardwood swamps, as well as the many species that live there. Yet many of these protections could be circumvented if this proposed facility is built. The railroad argues that federal statute provides a shield from all environmental standards for any trash facility built adjacent to a rail line. This same argument has been used by railroads in the case of 5 similar facilities that are already in operation in North Bergen. These facilities lie near New Jersey's Meadowlands, another environmental treasure.

The statute being used by the railroads establishes the Surface Transportation Board, STB, as the regulatory agency for the nation's railroads, title 49 of the United States Code. Under section 10501, the STB has exclusive jurisdiction over the "construction, acquisition, or operation" of "facilities" located adjacent to a rail line. The railroads argue that facility means any facility, including a trash transfer station. They argue that because of this statute, federal law preempts all other state and local protections.

I cannot believe that Congress intended these types of facilities to be exempt from State and local environmental standards. The risk to the surrounding communities from the air

(4)

pollution and groundwater contamination that could occur when open rail cars carrying solid waste are allowed to load and off-load is too great. However, I believe that we must take steps to clarify the law's intent. The "Solid Waste Environmental Regulation Clarification Affecting Railroads Act of 2005 will do this. The Act makes it clear that all state and local environmental laws and restrictions apply to these facilities.

This is a commonsense measure that insures that the public remains fully involved in decisions relating to these facilities, regardless of where they are built. I urge its enactment.

MMM – 8/17/05

Proposed amendments by S. 1607 (& H.R.3577) to Section 10501 of Title 49, United States Code. Deletions are shown by strikethrough and addition in bold and underlined.

1. Subsection (b)(2) – the construction, acquisition, operation, abandonment, or discontinuance of spur, industrial, team, switching, or side tracks, or facilities, **except solid facilities (as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903))**, even if the tracks are located, or intended to be located, entirely in one state, ; and
2. Subsection (c)(2) – Except as provided in paragraph (3), the board does not have jurisdiction under this part ~~over mass~~ **over - (A) mass** transportation provided by a local government authority: **; or (B) the processing or sorting of solid waste.**

MMM – 8/17/05

109TH CONGRESS  
1ST SESSION

# H. R. 3577

To amend section 10501 of title 49, United States Code, to exclude solid waste disposal from the jurisdiction of the Surface Transportation Board.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

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MMM – 8/17/05

# REPORT

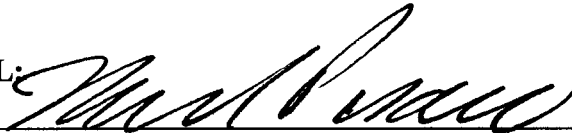
**DATE:** January 5, 2005

**TO:** Regional Council

**FROM:** Energy and Environment Committee  
Jacob Lieb, Acting Lead Regional Planner, (213) 236-1921, [lieb@scag.ca.gov](mailto:lieb@scag.ca.gov)

**SUBJECT:** "Underground Rulemaking"

**EXECUTIVE DIRECTOR'S APPROVAL:**



**RECOMMENDED ACTION:**

Support legislation to clarify "underground rulemaking."

**SUMMARY**

The Energy and Environment Committee and the Solid Waste Task Force recommend support for legislation to clarify the Administrative Procedures Act regarding "underground rulemaking." Existing State Law prohibits State agencies from making regulations without adequate public disclosure and review. AB 1351, prior to being amended and vetoed in the last legislative session, would have closed loopholes in the existing law that have allowed agencies to circumvent these requirements. The committee recommends that SCAG support the improvements that had been proposed in AB 1351.

**BACKGROUND:**

AB 1351 (Vargas), as of February 2005, would have provided clarification to the Administrative Procedures Act such that State agency actions having the effect of regulations would be subject to the act. As such, bulletins, guidelines, procedures, and other types of documents could not be used in order to avoid the rule making process. "Underground rulemaking" is of concern to the Solid Waste Task Force due to various practices of the California Integrated Waste Management Board. The bill would also have provided additional resources to the Office of Administrative Law to enforce provisions of the Administrative Procedures Act.

The Solid Waste Task Force recommended that SCAG send a letter to the Governor's office requesting that the concepts included in AB 1351 be pursued in the next legislative year.

**FISCAL IMPACT:**

All work related to adopting the recommended staff action is contained within the adopted FY05/06 budget and adopted 2005 SCAG Legislative Program and does not require the allocation of any additional financial resources.

**Attachment:**

Text of AB 1351 prior to amendments

AMENDED IN SENATE JULY 7, 2005

AMENDED IN SENATE JUNE 27, 2005

AMENDED IN ASSEMBLY APRIL 28, 2005

AMENDED IN ASSEMBLY APRIL 13, 2005

california legislature 2005 06 regular session

ASSEMBLY BILL

No. 1351

Introduced ~~Assembly~~ Member ~~Vargas~~

February 22, 2005

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An act to amend ~~Section 11340.5 of, and to add Section~~  
11340.5, 11346.1, and 11349.6 of, and to add Sections 11342.545 and  
11342.620 to, the Government Code, relating to state agencies.

legislative counsel/gest

AB 1351, as amended ~~Vargas~~ Office of Administrative Law:  
regulations.

Existing law prohibits a state agency from issuing, utilizing, enforcing, or attempting to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, unless it has been adopted as a regulation and filed with the Secretary of State. Under existing law, if the Office of Administrative Law is notified, or learns on its own, that an agency guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has not been adopted as a regulation and filed with the Secretary of State, the office may issue a determination as to whether it is a regulation. Existing law also authorizes any interested person to obtain a judicial declaration as to the validity of any regulation.

This bill would provide that any guideline, criterion, bulletin, provision in a manual, instruction, order, standard of general application, or other rule that is a regulation but is not adopted as a regulation and filed with the Secretary of State constitutes an underground regulation and would establish a procedure for any interested person with information that a state agency has issued, used, enforced, or attempted to enforce an underground regulation to petition ~~Office of Administrative Law~~ a determination that this agency action is an underground regulation. It would require the office, within 30 days after receiving a petition, to decide whether or not to consider the petition on its merits and would make this decision not subject to judicial review. It also would provide that, if the office decides to consider the petition on its merits, then the office is required, no later than 150 days after public notice of this petition, to determine whether the agency action is an underground regulation. It also would suspend these requirements connected with a petition if the agency issuing the alleged underground regulation certifies that it will not issue, use, enforce, or attempt to enforce the regulation. It also would provide that filing a petition pursuant to these provisions is not required prior to bringing an action in superior court seeking judicial declaration on the validity of a regulation.

Existing law provides that, if a state agency makes a finding that the adoption of a regulation or order of repeal is necessary for the immediate preservation of the public peace, health and safety or general welfare, the regulation or order of repeal may be adopted as an emergency regulation or order of repeal. Under existing law, a regulation, amendment, or order of repeal adopted as an emergency regulation remains in effect ~~nd 20 days~~ unless the adopting agency complies with certain requirements.

This bill would require an agency that is adopting an emergency regulation to mail at least 5 working days prior to submission of an emergency regulation to the office a notice of proposed emergency action to every person who has filed a request for notice of regulatory action with the agency unless the emergency situation clearly poses such an immediate, serious harm that delaying action to allow public comment would be inconsistent with the public interest. The bill would extend to 180 days the maximum period of time a regulation, amendment, or order of repeal initially adopted as an emergency regulation. The bill would authorize the office to approve one readoption of an emergency ~~regulation~~ period not to exceed 90

days, as specified. The bill would require the office, after posting a notice of the filing of a proposed regulation on its Web site, to allow interested persons 5 calendar days to submit comments on the proposed emergency regulations unless delaying action to allow public comment would be inconsistent with the public interest.

Vote: majority Appropriations Committee yes.  
 State mandated program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11340.5 of the Government Codes  
 2 amended to read:  
 3 11340.5(a) No state agency shall issue, use, enforce, or  
 4 attempt to enforce any underground regulation as defined in  
 5 Section 11342.620.  
 6 (b) Any interested person with information that a state agency  
 7 has issued, used, enforced, or attempted to enforce an  
 8 underground regulation as defined in Section 11342.620 may  
 9 petition the office for a determination that a particular guideline,  
 10 criterion, bulletin, provision in a manual, instruction, order,  
 11 standard of general application, or other rule or procedure is an  
 12 underground regulation. For purposes of this subdivision, an  
 13 interested person shall not include a state agency. The petition  
 14 shall include all of the following:  
 15 (1) The name and contact information of the petitioner.  
 16 (2) The name and contact information of the agency that has  
 17 allegedly issued, used, enforced, or attempted to enforce an  
 18 underground regulation.  
 19 (3) A complete description of the particular underground  
 20 regulation, and a copy of any written expression of the  
 21 underground regulation.  
 22 (4) A description of the actions of the agency evidencing that  
 23 it has issued, used, enforced, or attempted to enforce the  
 24 underground regulation.  
 25 (5) The legal basis for concluding that the guideline, criterion,  
 26 bulletin, provision in a manual, instruction, order, standard of  
 27 general application, or other rule or procedure is a regulation as  
 28 defined in Section 11342.600 and that no express statutory  
 29 exemption to the requirements of this chapter is applicable.

1 (6)Information demonstrating that the petition raises an issue  
2 of considerable public importance requiring prompt resolution.  
3 (c)Upon the filing of the petition, the petitioner shall submit a  
4 copy of the petition and all attachments to the agency.  
5 (d)(1)No later than 30 days after receipt of a complete  
6 petition filed pursuant to subdivision (b), the office shall  
7 determine whether or not to consider the petition on its merits, in  
8 its entirety or in part, unless, prior to the end of the 30-day  
9 period, the agency submits to the office a certification pursuant to  
10 subdivision (i). If the office declines to consider the petition, it  
11 shall immediately advise the petitioner and the agency of the  
12 decision and specifically indicate that the decision in no way  
13 reflects on the merits of the underlying issue presented by the  
14 petition. A decision by the office under this paragraph, to  
15 consider or not to consider a petition on its merits, is not subject  
16 to judicial review. A decision under this paragraph shall also not  
17 be considered by a court in any action seeking judicial review of  
18 a claimed violation of subdivision (a).  
19 (2)If the office decides to consider the petition on its merits, it  
20 shall notify the petitioner and the agency of this decision and  
21 shall publish the petition or a summary of the petition in the next  
22 California Regulatory Notice Register, giving notice to the public  
23 that comments on issues raised by the petition may be submitted  
24 to the office. Any person submitting comments to the office shall  
25 simultaneously provide a copy of the comments to the agency.  
26 The agency shall submit to the office a response to the petition  
27 and shall serve a copy of any response to the petition on the  
28 petitioner. The petitioner may submit a reply to the agency's  
29 response to the office and to the agency after being served with  
30 that response.  
31 (3)After the time for the petitioner to submit a reply to the  
32 agency's response, and no later than 150 days after publication of  
33 the accepted petition in the California Regulatory Notice  
34 Register, the office shall issue a determination as to whether or  
35 not the particular guideline, criterion, provision in a manual,  
36 instruction, order, standard of general application, or other rule or  
37 procedure is an underground regulation.  
38 (e)Upon issuing a determination pursuant to paragraph (3) of  
39 subdivision (d), the office shall do all of the following:  
40 (1)File its determination with the Secretary of State.

1 (2)Make its determination known to the agency, the  
2 Governor, and the Legislature.  
3 (3)Publish its determination in the California Regulatory  
4 Notice Register within 15 days of the date of issuance.  
5 (4)Make its determination available to the public and the  
6 courts.  
7 (f)Any interested person may obtain judicial review of a  
8 determination issued pursuant to paragraph (3) of subdivision (d)  
9 by filing a written petition requesting that the determination of  
10 the office be modified or set aside. A petition shall be filed with  
11 the court within 90 days of the date the determination is  
12 published.  
13 (g)A determination issued by the office pursuant to this  
14 section shall not be considered by a court, or by an administrative  
15 agency in an adjudicatory proceeding if all of the following  
16 occurs:  
17 (1)The court or administrative agency proceeding involves the  
18 party that sought the determination from the office.  
19 (2)The proceeding began prior to the party's request for the  
20 office's determination.  
21 (3)At issue in the proceeding is the question of whether the  
22 particular guideline, criterion, bulletin, provision in a manual,  
23 instruction, order, standard of general application, or other rule or  
24 procedure that is the legal basis for the adjudicatory action is a  
25 regulation as defined in Section 11342.600 or an underground  
26 regulation as defined in Section 11342.620.  
27 (h)The office shall adopt regulations to implement this  
28 section, which shall include regulations specifying the time to  
29 file comments on a petition, responses, and replies, and which  
30 may include, but not be limited to, the following:  
31 (1)Authorizing a party who filed comments on a petition to  
32 submit a reply to the agency's response to the petition.  
33 (2)Authorizing the office to extend the time for an agency to  
34 file a response to a petition if the agency is a state body as  
35 defined in Section 11121 and the agency's response requires  
36 action taken at a meeting subject to Article 9 (commencing with  
37 Section 11120) of Chapter 1.  
38 (i)Any action required of the office or an agency by this  
39 section in connection with a petition shall be suspended if the  
40 office receives a certification from the agency that it will not



1 issue, use, enforce, or attempt to enforce the alleged underground  
2 regulation along with proof that the certification has been served  
3 on the petitioner. This certification shall be made by the head of  
4 the agency or a person with a written delegation of authority  
5 from the head of the agency in the form specified by Section  
6 2015.5 of the Code of Civil Procedure. Upon receipt of this  
7 certification and proof of service, the office shall do all of the  
8 following:

9 (1)File the petition and the certification with the Secretary of  
10 State.

11 (2)Publish a summary of the petition and the certification in  
12 the California Regulatory Notice Register.

13 (3)If the certification is received after the petition or summary  
14 of the petition has been published in the California Regulatory  
15 Notice Register, make the petition and certification known to the  
16 Governor and the Legislature.

17 (j)The filing of a petition pursuant to this section is not  
18 required prior to seeking judicial review of a claimed violation of  
19 subdivision (a) and nothing in this article is intended to limit the  
20 ability of an interested person to seek judicial review pursuant to  
21 Section 11350.

22 SEC. 2Section 11342.545 is added to the Code  
23 to read:

24 11342.545For purposes of adopting a regulation pursuant  
25 to Section 11346.1, emergency means a situation not foreseen  
26 in sufficient time to proceed in accordance with the provision of  
27 Article 5 (commencing with Section 11346) that apply to  
28 nonemergency regulations and that calls for immediate action to  
29 avoid serious harm evidenced by an imminent and substantial  
30 threat to the public peace, health, safety, or general welfare.  
31 Emergency does not mean expediency, convenience, best  
32 interest, or general public need, and it cannot be based on  
33 speculation.

34 ~~SEC. 2.~~

35 SEC. 3Section 11342.620 is added to the Code  
36 to read:

37 11342.620Underground regulation means any guideline,  
38 criterion, bulletin, provision in a manual, instruction, order,  
39 standard of general application, or other rule or procedure that is  
40 a regulation as defined in Section 11342.600, but has not been

1 adopted as a regulation and filed with the Secretary of State  
 2 pursuant to this chapter.

3 SEC. 4 Section 11346.1 of the Government Code is amended  
 4 to read:

5 11346.1(a)(1) The adoption, amendment, or repeal of an  
 6 emergency regulation is not subject to any provision of this  
 7 chapter except this section and Section 11349.6.

8 (2) At least five working days before submitting an emergency  
 9 regulation to the office, the adopting agency shall, except as  
 10 provided in paragraph (3), mail a notice of the proposed  
 11 emergency action to every person who has filed a request for  
 12 notice of regulatory action with the agency. The notice shall  
 13 describe all of the following:

14 (A) The proposed regulatory action.

15 (B) The specific regulatory language proposed to be adopted.

16 (C) The factual and evidentiary basis for the emergency and  
 17 the need for immediate action.

18 (D) The statutory authority for adopting the regulation.

19 (E) The law being implemented, interpreted, or made specific.

20 (F) The basis for proposing the specific regulation to address  
 21 the emergency.

22 (3) An agency is not required to provide notice pursuant to  
 23 paragraph (2) if the emergency situation clearly poses such an  
 24 immediate, serious harm that delaying action to allow public  
 25 comment would be inconsistent with the public interest.

26 (b)(1) Except as provided in subdivision (c), if a state agency  
 27 makes a finding that the adoption of a regulation or order of  
 28 repeal is necessary for the immediate preservation of the public  
 29 peace, health and safety or general welfare, the regulation or  
 30 order of repeal may be adopted as an emergency regulation or  
 31 order of repeal.

32 ~~Any~~  
 33 (2) Any finding of an emergency shall include a written  
 34 statement which contains the information required by  
 35 paragraphs (2) to (6), inclusive, of subdivision (a) of Section  
 36 11346.5 and a description of the ~~specific~~ facts  
 37 demonstrating the existence of an ~~emergency~~ and  
 38 immediate action ~~and~~ demonstrating, by substantial evidence,  
 39 the need for the proposed regulation to effectuate the statute  
 40 being implemented, interpreted, or made specific and to address

1 only the demonstrated emergency finding of emergency  
2 shall also identify each technical, theoretical, and empirical  
3 study, report, or similar document, if any, upon which the agency  
4 relies. The enactment of an urgency statute shall not, in and of  
5 itself, constitute a need for immediate action.

6 The

7 (3) The statement and the regulation or order of repeal shall be  
8 filed immediately with the office.

9 (c) Notwithstanding any other provision of law, no emergency  
10 regulation that is a building standard shall be filed, nor shall the  
11 building standard be effective, unless the building standard is  
12 submitted to the California Building Standards Commission, and  
13 is approved and filed pursuant to Sections 18937 and 18938 of  
14 the Health and Safety Code.

15 (d) The emergency regulation or order of repeal shall become  
16 effective upon filing or upon any later date specified by the state  
17 agency in a written instrument filed with, or as a part of, the  
18 regulation or order of repeal.

19 (e) No regulation, amendment, or order of repeal  
20 adopted as an emergency regulatory action shall remain in effect  
21 more than 180 days unless the adopting agency has complied  
22 with Sections 11346.2 to 11347.3, inclusive, either before  
23 adopting an emergency regulation ~~120-day~~ 180-day  
24 period. The adopting agency, prior to the expiration of the  
25 ~~120-day~~ 180-day period, shall transmit to the office for filing  
26 with the Secretary of State the adopted regulation, amendment, or  
27 order of repeal, the rulemaking file, and a certification that  
28 Sections 11346.2 to 11347.3, inclusive, were complied with  
29 either before the emergency regulation was adopted or within the  
30 ~~120-day~~ 180-day period.

31 (f) ~~In the event~~ an emergency amendment or order of repeal  
32 is filed and the adopting agency fails to comply with subdivision  
33 (e), the regulation as it existed prior to the emergency  
34 amendment or order of repeal shall thereupon become effective  
35 and after notice to the adopting agency by the office shall be  
36 reprinted in the California Code of Regulations.

37 (g) ~~In the event~~ a regulation is originally adopted and filed  
38 as an emergency and the adopting agency fails to comply with  
39 subdivision (e), this failure shall ~~constitute~~ be a repeal

1 regulation and after notice to the adopting agency by the office,  
2 shall be deleted.

3 (h)The office shall not file an emergency regulation with the  
4 Secretary of State if the emergency regulation is the same as or  
5 substantially equivalent to an emergency regulation previously  
6 adopted by that agency, ~~unless the office expressly~~  
7 approves the agency's readoption of the emergency regulation.  
8 The office may approve one readoption of the emergency  
9 regulation for a period not to exceed 90 days if the agency has  
10 made substantial progress and proceeded with diligence to  
11 comply with subdivision (e).

12 SEC. 5 Section 11349.6 ~~Conference Code~~ amended  
13 to read:

14 11349.6(a) ~~In the event~~ the adopting agency has complied  
15 with Sections 11346.2 to 11347.3, inclusive, prior to the adoption  
16 of the regulation as an emergency, the office shall approve or  
17 disapprove the regulation in accordance with this article.

18 (b)Emergency regulations adopted pursuant to subdivision (b)  
19 of Section 11346.1 shall be reviewed by the office within 10  
20 calendar days after their submission to the office.  
21 notice of the filing of a proposed emergency regulation on its  
22 Website, the office shall ~~enable~~ persons five calendar  
23 days to submit comments on the proposed emergency regulations  
24 unless the emergency situation clearly poses such an immediate  
25 serious harm that delaying action to allow public comment would  
26 be inconsistent with the public interest. ~~The office shall not file~~  
27 the emergency regulations with the Secretary of State if it  
28 determines that the regulation is not necessary for the immediate  
29 preservation of the public peace, health and safety, or general  
30 welfare, or if it determines that the regulation fails to meet the  
31 standards set forth in Section 11349.1, or if it determines the  
32 agency failed to comply with ~~subdivisions (b) and (c) of~~  
33 11346.1.

34 (c)If the office considers any information not submitted to it  
35 by the rulemaking agency when determining whether to file  
36 emergency regulations, the office shall provide the rulemaking  
37 agency with an opportunity to rebut or comment upon that  
38 information.

39 (d)Within 30 working days of the filing of a certificate of  
40 compliance, the office shall review the regulation and hearing

- 1 record and approve or order the repeal of an emergency
- 2 regulation if it determines that the regulation fails to meet the
- 3 standards set forth in Section 11349.1, or if it determines that the
- 4 agency failed to comply with this chapter.

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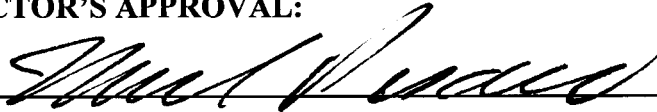
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# REPORT

**DATE:** January 5, 2006  
**TO:** Regional Council  
**FROM:** Daniel E. Griset, Senior Regional Planner, (213) 236-1895, griset@scag.ca.gov  
**SUBJECT:** Ahwahnee Water Principles for Resource Efficient Land Use

**EXECUTIVE DIRECTOR'S APPROVAL:**



**RECOMMENDATION:**

The Energy and Environment Committee recommends that the Regional Council adopt Resolution 06-469-2 in support of the Ahwahnee Water Principles for Resource Efficient Land Use and support use of these principles in local planning and project implementation.

**BACKGROUND:**

In 1991 the Local Government Commission adopted the first edition of "The Ahwahnee Principles", planning guidance for the development of more livable and sustainable communities in California. (The web URL for these initial policy guidelines is <http://www.lgc.org/ahwahnee/principles.html>.) Developed largely by a group of leading architects, these Principles focused on both community and regional aspects of planning and project development and proposed ways that implementing improved sustainability would expedite appropriate projects and communicate community goals clearly. Earlier this year the Commission adopted additional principles highlighting the linkage between Water Quality and Resource Efficient Land Use (appended to this memorandum). These principles highlight the linkage between water quality, water supply and land use, emphasizing the roles land use policy and implementation play in managing our vital natural resources.

In various ways these principles are well-aligned with the vision developed by SCAG's Compass program for integrating regional growth, efficient public investments and more sustainable environmental improvements.

## **The Ahwahnee Water Principles for Resource Efficient Land Use**

### **Preamble**

Cities and counties are facing major challenges with water contamination, storm water runoff, flood damage liability, and concerns about whether there will be enough reliable water for current residents as well as for new development. These issues impact city and county budgets and taxpayers. Fortunately there are a number of stewardship actions that cities and counties can take that reduce costs and improve the reliability and quality of our water resources.

The Water Principles below complement the Ahwahnee Principles for Resource-Efficient Communities that were developed in 1991. Many cities and counties are already using them to improve the vitality and prosperity of their communities.

### **Community Principles**

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Community design should be compact, mixed use, walkable and transit-oriented so that automobile-generated urban runoff pollutants are minimized and the open lands that absorb water are preserved to the maximum extent possible. (See the Ahwahnee Principles for Resource-Efficient Communities)

Natural resources such as wetlands, flood plains, recharge zones, riparian areas, open space, and native habitats should be identified, preserved and restored as valued assets for flood protection, water quality improvement, groundwater recharge, habitat, and overall long-term water resource sustainability.

Water holding areas such as creek beds, recessed athletic fields, ponds, cisterns, and other features that serve to recharge groundwater, reduce runoff, improve water quality and decrease flooding should be incorporated into the urban landscape.

All aspects of landscaping from the selection of plants to soil preparation and the installation of irrigation systems should be designed to reduce water demand, retain runoff, decrease flooding, and recharge groundwater.

Permeable surfaces should be used for hardscape. Impervious surfaces such as driveways, streets, and parking lots should be minimized so that land is available to absorb storm water, reduce polluted urban runoff, recharge groundwater and reduce flooding.

Dual plumbing that allows grey water from showers, sinks and washers to be reused for landscape irrigation should be included in the infrastructure of new development.

Community design should maximize the use of recycled water for appropriate applications including outdoor irrigation, toilet flushing, and commercial and industrial processes. Purple pipe should be installed in all new construction and remodeled buildings in anticipation of the future availability of recycled water.

Urban water conservation technologies such as low-flow toilets, efficient clothes washers, and more efficient water-using industrial equipment should be incorporated in all new construction and retrofitted in remodeled buildings.

Ground water treatment and brackish water desalination should be pursued when necessary to

maximize locally available, drought-proof water supplies.

### **Implementation Principles**

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Water supply agencies should be consulted early in the land use decision-making process regarding technology, demographics and growth projections.

City and county officials, the watershed council, LAFCO, special districts and other stakeholders sharing watersheds should collaborate to take advantage of the benefits and synergies of water resource planning at a watershed level.

The best, multi-benefit and integrated strategies and projects should be identified and implemented before less integrated proposals, unless urgency demands otherwise.

From start to finish, projects and programs should involve the public, build relationships, and increase the sharing of and access to information. The participatory process should focus on ensuring that all residents have access to clean, reliable and affordable water for drinking and recreation.

Plans, programs, projects and policies should be monitored and evaluated to determine if the expected results are achieved and to improve future practices.

**FISCAL IMPACT:** All work related to the recommended staff action is contained within the adopted FY 05/06 budget under 06-075.

DOCS # 116938v1



**RESOLUTION No. 06-469-2**

**A RESOLUTION OF  
THE SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS  
URGING SUPPORT AND USE OF THE AHWAHNEE WATER PRINCIPLES  
IN LOCAL PLANNING FOR RESOURCE-EFFICIENT LAND USE**

WHEREAS, cities are facing major challenges with water contamination, storm water runoff, flood damage liability, and concerns about whether there will be enough reliable water for current residents as well as for new development, issues that impact city budgets and taxpayers; and

WHEREAS, land use decisions made at the local level have major impacts on local, regional, and state water resources in terms of quality, quantity, and availability; and

WHEREAS, the Local Government Commission, in partnership with the League of California Cities and the California State Association of Counties, sought funding from the State Water Resources Control Board to develop principles related to water-efficiency and land use; and

WHEREAS, the Local Government Commission developed a set of principles known as the *Ahwahnee Water Principles for Resource-Efficient Land Use* which can reduce costs and improve the reliability and quality of our water resources, and which complement the earlier *Ahwahnee Principles for Resource-Efficient Communities*;

NOW THEREFORE BE IT RESOLVED, by the Southern California Association of Governments that SCAG encourages its member Cities and Counties to support and use *The Ahwahnee Water Principles for Resource-Efficient Land Use* to advance urban environmental quality.

BE IT FURTHER RESOLVED that SCAG urges all local agencies to also make use of the guidance of the Local Government Commission's earlier *Principles on Livable Communities*, themes that correspond with the Growth Visioning work already advanced by SCAG.

APPROVED AND ADOPTED by the [vote] of the Regional Council of the Southern California Association of Governments at a regular meeting on this 5th day of January, 2006.

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TONI YOUNG  
**President, SCAG**  
Councilmember, City of Port Hueneme

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Karen Tachiki  
**Chief Legal Counsel, SCAG**

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Mark Pisano  
**Executive Director, SCAG**

# MEMO

**DATE:** January 5, 2006  
**TO:** Regional Council  
**FROM:** Don Rhodes  
**SUBJECT:** Legislative bill draft relating to SB90 (1972) protection for JPA's

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## **SUMMARY:**

SCAG will be working with other agencies, such as CALCOG and ABAG, in order to offer legislation that would amend California Government Code Statute 1972 Chapter 1406 (S.B.90) to ensure that Joint Powers Authorities are eligible to seek reimbursement from the State on S.B.90.

## **BACKGROUND:**

As passed by the Regional Council on December 1, 2005, the Legislative Program included the following language:

“Seek legislative relief for the inclusion of joint powers authorities under the provisions of Senate Bill 90 (1972) relating to state mandates.”

Briefly, this law, the Property Tax Relief Act of 1972, established the concept of state reimbursement to local agencies and school districts for state-mandated activities. Although, the primary purpose of this law was to limit the ability of local agencies and school districts to levy taxes, the legislature, in order to offset these limitations, declared its intent to reimburse local agencies and school districts for the costs of new programs or increased levels of service mandated by state government.

Recently, the Commission on State Mandates ruled that JPA's are not eligible claimants, thereby precluding SCAG from seeking reimbursement for programs such as RHNA. While SCAG is appealing the Commission's ruling, it is also advisable to seek a legislative solution to this funding issue. ABAG is similarly impacted and the staff is coordinating SCAG's efforts with ABAG.